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Follow-up to the World Summit for Social Development and the twenty-fourth special session of the General Assembly: review of relevant United Nations plans and programmes of action pertaining to the situation of social groups: tenth anniversary of the International Year of the Family

Preparation for and observance of the tenth anniversary of the International Year of the Family (2004)

Report of the Secretary-General

Summary

By its resolution 2003/10 of 21 July 2003, the Economic and Social Council recommended to the General Assembly the adoption of a draft resolution entitled "Preparation for and observance of the tenth anniversary of the International Year of the Family in 2004". The draft resolution, inter alia, requests the Secretary-General to report to the Assembly at its fifty-ninth session, through the Commission for Social Development and the Council, on the final preparations for the observance of the tenth anniversary of the Year at all levels. On the basis of that draft resolution, the Secretariat prepared a note verbale, dated 8 May 2003, which was sent to all Member States.

The General Assembly, at its fifty-eighth session, amended the draft proposed by the Economic and Social Council and adopted resolution 58/15 which, inter alia, requests the Secretary-General to present an interim report to the Commission for Social Development on the preparations for and the celebration of the tenth anniversary of the International Year of the Family at all levels. The present report

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was prepared in compliance with the Assembly's request.* As an interim report, it provides a brief overview of significant aspects of the preparations for the anniversary, on the basis of the responses received to the note verbale.* It also suggests recommendations for follow-up actions. The scope of the report does not permit description of the broad array of activities undertaken, particularly at the national level. Supplementary information will be made available to the Commission for Social Development in the form of a background document and to the General Assembly at its fifty-ninth session.

The preparations for the tenth anniversary have encouraged broad participation and partnerships of administrators and planners working for Governments, as well as members of family organizations, community groups and other actors, to improve family policies through efforts to raise awareness on conditions of families, identify problems, set priorities, determine resources, establish policies, implement programmes and evaluate outcomes. Achievements have been recorded. Many Governments have formulated "family-sensitive" policies and improved national capacity for their implementation. The family has been increasingly recognized as an object and agent of social policy in many countries and mechanisms devoted to family policy and research have been developed or strengthened. Overriding priority issues have been identified.

National plans and programmes for the observance of the tenth anniversary usually entailed: (i) a research component, involving activities such as specific studies, surveys, national reports, special publications, expert meetings, funding for research and refinement of data in official statistics; (ii) a legislative component, involving review, reform and enactment of legislation, publicizing provisions related to families and special parliamentary and other debates; (iii) a policy component, involving policy reviews, improving existing policies and programmes, establishing mechanisms for greater cross-sectoral collaboration, identification of policy "gaps" and adoption of new policies; (iv) support for local initiatives for families through facilitative services; (v) specific measures for special subgroups of families; (vi) a private-sector component, involving resource mobilization and publicity; and (vii) promotional and awareness-raising components and observance of the International Day of Families (posters, publications and information material, media events and observances of family days or weeks).

* As of 20 November 2003, the following Governments have provided information in response to the note verbale of the Secretary-General: Antigua and Barbuda; Austria; Belarus; Benin; Cameroon; Chile; Côte d'Ivoire; Colombia; Croatia; Cuba; Czech Republic; Egypt; Ecuador; Finland; Guinea; Honduras; Iceland; Ireland; Jordan; Kazakhstan; Luxembourg; Malaysia; Mauritius; Mexico; Philippines; Portugal; Singapore; Slovakia; Switzerland, Romania; Russian Federation; Spain; Syria; Thailand; Turkey; and Ukraine.

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I. Deliberations of intergovernmental bodies to prepare and observe the tenth anniversary of the International Year of the Family

1. The topic of the family has been central to intergovernmental deliberations, as is evident in the ongoing process of dialogue on development issues undertaken through the major United Nations conferences and summits of the 1990s. Guidance has been provided to Governments for strengthening family-centred components of policies and programmes by the General Assembly, the Economic and Social Council and the Commission for Social Development. The deliberations of those bodies provided greater focus on the topic of families in the context of development, provided legislative mandates, reviewed and appraised the current work programme on the family and underlined the need for further international cooperation on family issues. Throughout those deliberations, numerous Governments have expressed full support for the observance of the tenth anniversary and for the work programme on the family.

A. National level

2. The focus of activities for the observance of the tenth anniversary remains at the national and local levels. The General Assembly suggested that Governments take two specific organizational measures in order to promote effective national action: establishment of a national coordination mechanism and formulation of a national programme of action to observe the tenth anniversary. Thus, the salient features of national action for the observance of the tenth anniversary centre around those two measures, the national priorities identified and the corresponding programme and policy initiatives to address them.

3. In many cases, national coordination mechanisms for the tenth anniversary were established by the head of State or Government. Generally, they were created at the senior governmental level, often involving several national ministries under the leading role of the authority concerned with family matters. Many involve the active participation of non-governmental organizations (NGOs), research institutions, the academic community, the private sector and the media. By and large, national coordinating bodies established working groups and task forces. In several countries, coordination structures were also set up at subnational levels. The functions of national mechanisms routinely involved elaborating and implementing a national plan, raising public awareness of family issues, promoting appreciation of the role of families and identifying priority issues for concrete actions. A list of countries that have established national coordinating mechanisms is contained in the annex to the present report.

4. Long-standing national priorities for family policies have been given new impetus through the preparation and observance of the tenth anniversary of the International Year of the Family. Those priorities encompass, inter alia, employment; social security; gender equality; reconciliation of work and family responsibilities; family leave; domestic violence; migration; poverty; childcare; street children; children's rights in the family and in society; family life education; responsible parenthood; role of fathers; the girl child; marriage and divorce issues; changing family forms, notably single-parent female-headed households;

intergenerational relations and issues; transmission of values, culture and traditions; drug abuse; and HIV/AIDS prevention and care.

5. Initiatives to address those priority issues at the national level include introduction of income support, such as parenting allowance and leave schemes; home childcare allowances; tax and credit relief; elaboration of training courses for families or family members on a range of issues; initiatives to aid family members to balance work and family responsibilities; counselling centres and employment agencies; support for children; early-intervention programmes for victims and perpetrators of domestic violence, child abuse and neglect; programmes for displaced persons, refugees and migrants; early childhood and family education programmes; family court systems; parenting skills projects and services; and numerous tax-system provisions or reforms.

6. In many countries, the tenth anniversary is seen as an opportunity to update, refine or develop legislation concerning families as well as to address that broad spectrum of family-related priority issues. In particular, the anniversary encourages the adoption of legislative and other measures required to implement international conventions, notably the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.

7. Numerous Governments have mainstreamed a family dimension in the decision-making and administrative processes of agencies responsible for economic, environmental and social policies and programmes. They have established infrastructure and policy instruments to strengthen and support families and to promote an enabling environment for them. Elements of that infrastructure include family law, family policy, family-specific institutions and family associations.

8. The most common form of family policy is family law, which is in turn based on provisions in national constitutions. Family law most often takes the form of statutory law, which is used to regulate marriage, cohabitation, common-law marriage, sexual relations, separation, divorce, the disciplining of children, access to contraception and abortion, inheritance, control and ownership of property held prior to marriage and acquired during marriage, the rights of spouses, the rights of mothers and the rights of children, especially those born out of wedlock.

9. Family-related research is encouraged and conducted in many countries. Research topics range from studies on the relationships among social, cultural, economic and demographic changes, to how changes in social welfare, taxation or the status of women affect the status of families. Other themes include the situation of older persons and children within families as well as questions on teenage pregnancy and young mothers.

10. In some countries, NGOs are involved in the implementation of family policy, either by participating in joint ventures with Governments, or by participating in advisory bodies. Many organizations also conduct independent activities in support of families.

11. The United Nations International Day of Families has inspired a series of awareness-raising events, including national family days. In many countries, that day provides an opportunity to highlight different areas of interest and importance to families. Activities include workshops and conferences, radio and television programmes, newspaper articles and cultural programmes highlighting relevant themes.

B. Regional level

12. The United Nations regional commissions have interacted regularly with various national authorities and organizations of civil society on family issues. The commissions are uniquely placed to assess the situation of families and respond to emerging needs at both the regional and subregional levels. The commissions serve as catalysts and facilitators for regional cooperation on family policies and activities and as forums for articulating regional perspectives on global and regional issues, particularly by organizing family-oriented meetings.

13. In 2003 the Economic and Social Commission for Asia and the Pacific (ESCAP) organized an observance of the International Day of Families in Bangkok in conjunction with the Women's Federation for World Peace, the Family Federation for World Peace and Unification, the Thai Association of the Professors' World Peace Academy, the Foundation for Development and Peace and the Youth Federation for World Peace. The major demographic and social changes that have had an impact on family structure and function in the region were reviewed at the event. Emphasis was given to the sharp decline in family size that has occurred in Asia and the Pacific, to population ageing and to the care and support of older persons. It called for improved social development to support families, especially in the fields of education, employment, health care and income security. ESCAP will observe the tenth anniversary of the International Year of the Family by organizing a major public event in cooperation with concerned NGOs.

14. Activities of the Economic Commission for Latin America and the Caribbean (ECLAC) focus on integrating Latin American families into the planning and decision-making process in three main areas: technical assistance to governmental and non-governmental organizations; social diagnosis and policy proposals; and diffusion of information through meetings, academic activities and web pages.

15. The most recent edition of the Commission's *Social Panorama of Latin America* concerns the evolution of poverty trends of households and families. A chapter on adolescents who drop out of school addresses the problems faced by their families, including poverty, child labour, adolescent pregnancy and housework. A set of social indicators related to households is included. The ECLAC Review No. 77, published in August 2002, includes a paper on family changes in the region. That material will be disseminated throughout the region by means of presentations in governmental and non-governmental forums (see family work programme in www.eclac.cl/dds).

16. ECLAC has elaborated gender indicators, including intrafamilial violence, and information and data on the economic support provided by women to their families. That information is available on the ECLAC web page: http://www.eclac.cl/mujer/proyectos/perfiles/default.htm. ECLAC has also prepared a document entitled *Social Support Networks for Old People: The Role of the State, Family and Community*, which includes a chapter dedicated to family support. Moreover, the Commission participated in the International Seminar on Gender, Families and Work, which took place at Montevideo in April 2003, and in the World Family + 10 launching of the preparatory phase "For a Global Family Policy", held in Curitiba, Brazil, in May 2003.

17. ESCWA, in cooperation with the League of Arab States and the Arab Family Organization, organized the Arab regional meeting for the 10-year review of the

International Year of the Family, held in Beirut from 7 to 9 October 2003. Recommendations emanating from the meeting encouraged Governments and organizations of civil society to revise national family legislation, establish national coordinating mechanisms and prepare an Arab strategy for the empowerment of the family.

18. The Population Activities Unit of the Economic Commission for Europe (ECE) promotes dialogues among the Governments of States members of the Commission on numerous aspects of demographic change in Europe and North America. It coordinates region-wide activities and research pertaining to family-related topics. ECE has initiated several projects: the Generations and Gender Programme and the Fertility and Family Surveys. Recent topics of interest to ECE are parental job insecurity, voluntary childlessness and children's emancipation.

C. International level

1. Department of Economic and Social Affairs

19. The Department of Economic and Social Affairs has produced reports and communications, and organized meetings to promote awareness of the positive role families play in their respective societies. It has monitored developments in policies, socio-economic transformations and political changes that affect families. It has also stimulated action-oriented research on family issues. Those initiatives have provided an opportunity for constituencies that view family issues from different perspectives to develop common ground and common understandings.

20. Since 1996, the substantive work of the Department has focused on five strategic areas for the preparation and observance of the tenth anniversary: technology and its impact on the family; approaches to the development of family policies; indicators and statistics for family well-being; parental roles and intrafamilial support systems; and HIV/AIDS and its impact on families.

21. One goal of the International Year of the Family is to promote the development of sound knowledge, data and research on the situation and needs of families worldwide. That would in turn assist Governments in setting priorities, identifying needs and bottlenecks and developing innovative approaches to emerging and vital concerns. The Department prepared action-oriented research for publication, including *Families and the World of Work: Four Country Profiles of Family-sensitive Policies* (Argentina, Egypt, India and the Netherlands); *Technology and its Impact on Families; Approaches to Family Policies: A Profile of Eight Countries* (Ireland, Malaysia, Mauritius, New Zealand, Norway, Panama, South Africa and Trinidad and Tobago); *Family Indicators*; *The Most Affected HIV/AIDS Families in Selected Countries*; and *Global Trends Affecting Families*. Those studies assist interested Governments to enhance their policy formulation and programmes in those areas. The Department has also cooperated on research with the Bratislava International Centre for Family Studies.

22. The Department has facilitated international cooperation within the framework of the tenth anniversary by organizing the Consultative Meeting on Regional and Global Coordination in the Promotion of Social Integration (New York, 1-5 October 2001) and the Consultative Meeting on Mainstreaming the Family Issue (New York,

10-12 December 2003). Both meetings focused on creating a framework for the development of family policy at all levels.

23. The United Nations Family web site has provided useful and up-to-date promotional information on preparations for the tenth anniversary (www.un.org/esa/socdev/family/index.html). The site contains *Family Matters*, a bimonthly newsletter that informs readers about current developments and activities.

24. The Department has strengthened consultations with NGOs and provided them with relevant information and analyses. It has encouraged those organizations to set up mechanisms to stimulate, plan and coordinate their own activities and to conduct extensive discussions within their networks about the preparations for the tenth anniversary. Activities include a comprehensive review of policies concerning families and services for families, seminars on International Year of the Family topics to increase in-depth knowledge and information about family policy development and global trends, and efforts to obtain broad support for the observance of the tenth anniversary.

25. The resources of the United Nations Trust Fund on Family Activities have supported national projects, especially in developing countries, that directly promote the objectives of the tenth anniversary. Priority has been given to support national capacity-building for long-term family-oriented policies and for research. For example, one project focused on training rural families to become economically self-sufficient. Another project supported a study entitled "How poverty separates parents and children". The Trust Fund also supported a web-based Interactive Internet Forum on the achievements of civil society organizations from 1994 to 2004, supervised by the Vienna NGO Committee on the Family. The Arab regional meeting for the 10-year review of the International Year of the Family, organized by ESCWA in October 2003, was assisted by a grant from the Trust Fund.

26. The launching of the tenth anniversary took place at United Nations Headquarters on 4 December 2003. A message of the Secretary-General was distributed worldwide. The Department disseminated the publication entitled *Global Trends Affecting Families*, with chapters covering the situation of families and the issues and transformations that affect families in all world regions: demographic changes; changes in family structure; issues related to migration; the HIV/AIDS pandemic; and globalization.

27. As part of the observance of the anniversary, a policy workshop on HIV/AIDS and family well-being will be organized in January 2004. The workshop will explore the effects of HIV/AIDS on the family unit and family network, including changing generational roles and related social integration issues; identify coping mechanisms at different societal levels to mitigate the impact of HIV/AIDS on the family; review existing policies and programmes to determine how they respond to the needs of families affected by HIV/AIDS at different stages of impact; develop a policy framework and recommendations for addressing family issues and changing intergenerational roles in HIV/AIDS policies and strategies; and identify further capacity-building needs and knowledge gaps for follow-up activities.

28. The Consultative Meeting on Mainstreaming the Family Issue discussed how mainstreaming should put the concerns of families at the heart of the policy-making process. The meeting provided an opportunity to exchange knowledge on approaches and problems related to the mainstreaming process with respect to

family issues and developed recommendations on strengthening capacities for effective planning and coordination of family-related activities. It also explored how to incorporate a "mainstreaming strategy" into the work programme of the Division for Social Policy and Development.

2. United Nations system

29. Coordination between the Department of Economic and Social Affairs and United Nations information centres was strengthened to enhance the dissemination and exchange of information on issues relating to the family. Given their proximity and access to local events and happenings, United Nations information centres have been instrumental in publicizing the tenth anniversary.

30. The mission of the United Nations Children's Fund (UNICEF) is to ensure that every child survives and thrives through adolescence to go on to become a productive member of society. Success in that mission is tied to the strength and independence of the family as a whole. UNICEF recognizes that the best environment for raising children is within a strong, loving, supportive family. Fulfilling the rights of children and women is essential to having strong families. UNICEF continues its commitment to incorporate family strengthening into the mainstream of the Fund's actions for the realization of child rights. During the tenth anniversary of the International Year of the Family, UNICEF will highlight the importance of strengthening families in its global advocacy, technical assistance and programming both within UNICEF and with bilateral and multilateral partners; cultivate wider partnerships to improve the scope and quality of those efforts; stress the importance of strengthening family in all forums that promote the achievement of the Millennium Development Goals; support national and regional initiatives for data collection, policy formulation, information exchange and advocacy; underscore the importance of family strengthening in the common country assessments and United Nations Development Assistance Framework through the United Nations Resident Coordinator system and United Nations country teams; devise innovative ways of assisting children without families, especially children orphaned by HIV/AIDS and child victims of armed conflict and family disintegration; and provide encouragement and support to UNICEF staff associations related to family strengthening.

31. The Food and Agriculture Organization of the United Nations (FAO) will devote the April 2004 issue of the rural youth development newsletter, *YouthWorks*, to the role youth programmes play in strengthening families. In promoting rural youth development worldwide, FAO also emphasizes strong family ties and maintenance of critically important family values in its programmes, projects and activities. The Gender and Population Division of FAO will link the tenth anniversary with events planned for the observance of the International Year of Rice 2004 and the celebration of International Women's Day in 2004.

32. The International Labour Organization (ILO) has focused its family-related activities on standard-setting, research and studies, the organization of meetings and technical cooperation. It has launched an advocacy programme to encourage Governments to develop responsive policies and programmes to assist workers in reconciling the competing demands of professional and family life. During the preparations for the anniversary, ILO is emphasizing the 1981 Convention

concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities (No. 156).

33. The United Nations Educational, Scientific and Cultural Organization (UNESCO) has organized a series of regional consultation meetings on family support policy in different regions. The UNESCO Early Childhood and Family Education Section is cooperating with the World Family Organization on the preparation of the World Summit Family + 10, planned for November 2004.

3. Intergovernmental organizations

34. Intergovernmental organizations continue to contribute to the tenth anniversary by disseminating information, organizing meetings and seminars, promoting research, assistance and guidance for policy development, and integrating a family focus in their existing activities. The governing bodies of the Caribbean Community, the Council of Europe, the African Union, the Organization of the Islamic Conference and the League of Arab States have played important supportive roles for national actions and have adopted statements and decisions expressing support for the anniversary by calling for action by their respective member States.

35. The Directorate of Social Affairs of the African Union has apprised member States of the preparations for the tenth anniversary. Its communications encouraged member States to establish national committees and to elaborate a regional plan of action on the family. The plan of action is expected to be endorsed by the Executive Council and the Assembly of Heads of State and Government of the African Union in July 2004.

36. The Council of Europe has contributed by organizing meetings and seminars, providing assistance and guidance in policy development, disseminating information and promoting research through its activities in the field of childhood policies, family affairs, children's rights and social support for children and families. Family issues feature regularly on the agenda of the Council of Europe, especially in the context of its Strategy for Social Cohesion and the work undertaken by its Forum for Children and Families. In 2005 the Council of Europe will organize the twenty-eighth session of the Conference of the European Ministers Responsible for Family Affairs.

37. The Inter-American Children's Institute, created by the Fourth Pan-American Child Congress in 1924 and founded in 1927, aims to further the study of problems relating to children and the family and to help solve them. It coordinates the promotion of child-oriented public policies, updating of legislation and dissemination of information for the States members of the Organization of American States. The Institute uses a children's rights approach, which includes the family perspective as one of the key points for building effective policies, plans and programmes. The role of parents is a priority concern.

4. Non-governmental organizations

38. NGOs have contributed substantially to the growing body of knowledge on the global situation of families and have played an equally important role in the dissemination of information. A variety of studies on such diverse subjects as poverty, the social situation of families, family welfare, reform of legislation and

family counselling have been published. Those studies have frequently resulted in action programmes. Various regional meetings and seminars have been organized.

39. NGOs have initiated public information campaigns to encourage participation of their affiliates at all levels. The International Federation of Red Cross and Red Crescent Societies, the World Movement of Mothers, the Institute for Traffic Care, the Baha'i International Community, the World's Young Women's Christian Association, Family Support America, the European Parents' Association, the International Federation for Family Development, the New York NGO Committee on the Family, the Vienna NGO Committee on the Family and the Union of Latvian Large Family Associations have contributed to the identification of priority concerns and the deliberations of intergovernmental bodies.

II. Conclusion and recommendations

40. Among the family-related problems that confront planners and administrators in designing or redesigning policies are: inadequate data on the situation of families; uncertainty whether trends that have been identified are relevant to national circumstances; lack of information about which policies are functional and which are dysfunctional; uncertainty regarding the best combination of interventions to support and strengthen families; paucity of human a.d financial resources; and unintended consequences of policies and programmes. Consequently, there is a need to develop and strengthen a family-focused perspective in national development planning.

41. In this regard, it is recommended to:

(a) Strengthen cooperation and mechanisms for consultation and advocacy at the national and local levels in order to promote greater consensus on policy content, concepts and an integrated perspective on the family;

(b) Enhance international cooperation in the area of family research to assist in policy formulation and evaluation;

(c) Promote training and advisory services for the analysis, formulation and evaluation of integrated strategies, policies and programmes;

(d) Continue to support the United Nations Trust Fund on Family Activities to assist in national capacity-building and development cooperation.

Annex

Status of preparation for the tenth anniversary of the International Year of the Family as of November 2003

Albania[a,b]
Algeria[a,b]
Antigua and Barbuda[a,b]
Argentina[b]
Australia[a,b]
Austria[a,b]
Barbados[a,b]
Belarus[a,b]
Benin[a,b]
Bolivia[a,b]
Brunei Darussalam[a,b]
Burkina Faso[a,b]
Cameroon[a,b]
Chile[a,b]
Colombia[a,b]
Congo[a]
Côte d'Ivoire[a,b]
Croatia[a,b]
Cuba[a,b]
Cyprus[a,b]
Czech Republic[a,b]
Democratic Republic of the Congo[a,b]
Dominican Republic[b]
Ecuador[a,b]
Egypt[a,b]
El Salvador[a,b]
Equatorial Guinea[a]
Estonia[a,b]
Ethiopia[a,b]
Gambia[a,b]
Germany[a,b]
Ghana[a,b]
Finland[a,b]
Greece[a,b]
Guatemala[a,b]
Guinea[a,b]
Guyana[a,b]
Holy See[a,b]
Honduras[a,b]
Hungary[a,b]
Iceland[a,b]
Italy[a,b]
Indonesia[a,b]
Iran (Islamic Republic of)[b]
Ireland[a,b]
Israel[a,b]
Jamaica[a,b]
Japan[b]
Jordan[a,b]
Kazakhstan[a,b]
Kuwait[b,c]
Latvia[a,b]
Libyan Arab Jamahiriya[a,b]
Lithuania[a,b]
Luxembourg[b]
Madagascar[a,b]
Malawi[a,b]
Malaysia[a,b]
Maldives[a,b]
Mali[a,b]
Malta[a,b]
Mauritius[a,b]
Mexico[a,b]
Morocco[a,b]
Myanmar[a]
Namibia[a,b]
Nepal[b]
New Zealand[a,b]
Nicaragua[b]
Nigeria[a,b]
Norway
Pakistan[b]
Panama[a,b]
Papua New Guinea[a,b]
Philippines[a,b]
Poland[a,b]
Portugal[a,b]
Qatar[a,b]
Republic of Korea[a,b]
Romania[a,b]
Russian Federation[a,b]
Rwanda[a,b]
Saint Lucia[a,b]
San Marino[b]
Saudi Arabia[a,b]
Senegal[a,b]
Singapore[a,b]
Slovakia[a,b]
Slovenia[a]
South Africa[a,b]
Spain[a,b]
Sudan[a,b]
Suriname[a,b]
Switzerland[b]
Syrian Arab Republic[a,b]
Thailand[a,b]
Trinidad and Tobago[a,b]
Tunisia[a,b]
Turkey[a,b]
Uganda[a,b]
Ukraine[a,b]
United Kingdom of Great Britain and Northern Ireland[a,b]
United Republic of Tanzania[a,b]
Uruguay[a,b]
Venezuela[a,b]
Viet Nam[a,b]
Zambia[a,b]
Zimbabwe[a,b]

[a] Formulation of a national programme of action for the tenth anniversary.
[b] Establishment of a national coordinating committee for the tenth anniversary.

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Commission for Social Development
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Item 3 (b) (ii) of the provisional agenda*
Follow-up to the World Summit for Social Development and the twenty-fourth special session of the General Assembly: review of relevant United Nations plans and programmes of action pertaining to the situation of social groups: equalization of opportunities for persons with disabilities

Views of Governments on the proposals contained in the report of the Special Rapporteur on Disability (E/CN.5/2002/4), especially on the suggested supplement to the Standard Rules on the Equalization of Opportunities for Persons with Disabilities

Report of the Secretary-General

Summary

In its resolution 2002/26 of 24 July 2002 entitled "Further promotion of equalization of opportunities by, for and with persons with disabilities and protection of their human rights", the Economic and Social Council requested the Secretary-General to seek the views of Member States on the proposals contained in the report of the Special Rapporteur on Disability (E/CN.5/2002/4), especially on the suggested supplement to the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, and to submit a substantive report to the Commission for Social Development at its forty-second session. The Secretary-General solicited the views of the Governments on the report and the proposed supplement to the Standard Rules in a note verbale dated 6 June 2003. The views contained in the replies from Governments to the note verbale are summarized in the present report.

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I. Introduction

1. At its fortieth session, from 12 to 22 February 2002, the Commission for Social Development examined the note by the Secretary-General transmitting the report of the Special Rapporteur on Disability of the Commission for Social Development on monitoring the implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities on his third mandate, 2000-2002 (E/CN.5/2002/4). The report included, inter alia, the proposal of complementing the Standard Rules with a supplement, which aims at introducing new areas and complementing those areas that are not considered to be sufficiently developed in the Rules, on the basis of the experience gained during the mandates of the first Special Rapporteur.

2. In its resolution 2002/26 of 24 July 2002 entitled "Further promotion of equalization of opportunities by, for and with persons with disabilities and protection of their human rights", the Economic and Social Council requested the Secretary-General to seek the views of Member States on the proposals contained in the report of the Special Rapporteur, especially on the suggested supplement to the Standard Rules, and to submit a substantive report to the Commission for Social Development at its forty-second session.

3. The Secretary-General solicited the views of Governments on the report and the proposed supplement to the Standard Rules in a note verbale dated 6 June 2003. The views contained in the replies from Governments to the note verbale are summarized in section III below.

II. Summary of issues included in the proposed supplement

4. Since their adoption by the General Assembly in its resolution 48/96 of 20 December 1993, the Standard Rules on the Equalization of Opportunities for Persons with Disabilities have played a significant role in informing the elaboration of national policies and practices on disability in the entire world. It is widely agreed that over the last decade the application of the principles expressed in the Rules has greatly contributed to the diffusion of best practices on equalization of opportunities for persons with disabilities. However, the widespread application of the Rules has also led to identifying gaps and limitations in the scope of their action.

5. The proposed supplement to the Standard Rules originates from the analysis of the shortcomings and areas in need of improvement within them. The process was initiated by the first Special Rapporteur on Disability in his report to the Commission on Social Development at its thirty-sixth session (E/CN.5/2000/3). In that report the following were pointed out as issues to be further investigated: gender concerns; housing and communication issues; the needs of children and older persons; the needs of persons with developmental and psychiatric disabilities; and the needs of persons with disabilities in poverty situations.

6. The process of analysis that led to the elaboration of the proposed supplement to the Standard Rules is the product of the joint effort of many international organizations and individual experts, including organizations of persons with disabilities and the panel of experts attached to the Rules monitoring mechanism.

7. The proposed supplement brings into focus the specific needs of the most vulnerable among persons with disabilities. It specifically focuses on the following areas: (a) fundamental concepts; (b) adequate standard of living and poverty alleviation; (c) housing, including the issue of residential institutions; (d) health and medical care; (e) emergency situations; (f) access to the social environment; (g) communication issues; (h) personnel training; (i) gender; (j) children with disabilities and the family; (k) violence and abuse; (l) older persons; (m) developmental and psychiatric disabilities; (n) invisible disabilities; (o) suggested further initiatives in national policy and legislation.[1]

III. Views of Member States

8. As of 1 November 2003, 16 replies representing the views of 40 Governments were received in response to the note verbale sent by the Secretary-General. The response to the note verbale was very limited, representing approximately one fifth of the total number of Member States. Replies were received from Argentina, Burkina Faso, Cameroon, China, Cyprus, the Czech Republic, Honduras, Luxembourg, Madagascar, Malta, Oman, the Philippines, the Russian Federation, Serbia and Montenegro, Trinidad and Tobago as well as from the European Union on behalf of its 15 members and 10 accessing countries.[2]

9. As it appears clearly from the list of responding Member States, the geographical coverage of the contributions received was also quite limited. The largest number of contributions originated from Europe; replies from other regional groups included three Member States from Latin American and the Caribbean region, two from Africa and two from Asia. Most replies came from developed countries, while only one contribution was received from a least developed country (Burkina Faso).

10. The relatively low degree of interest expressed by Member States in articulating their views on the proposed supplement to the Standard Rules is open to interpretation. It may reflect a lack of specific interest for the inclusion of the proposed supplement in the Rules. It may also reflect the fact that many Governments tend to consider that the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities has become a more appropriate forum to discuss disability issues and instruments.

11. Argentina highlights the fact that disability is increasingly recognized at the international level as a human rights issue. It agrees that the Standard Rules have provided a fundamental contribution to the formulation of policies aiming at improving the enjoyment of rights by persons with disabilities. However, taking into consideration the process of elaboration of a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities and particularly the progress made during the second session of the Ad Hoc Committee on the Convention, Argentina suggests that no supplement to the Standard Rules should be adopted so as to avoid the overlapping of the two processes. Argentina also suggests that it would be preferable for the observations of the first Special Rapporteur to be taken into consideration during the process of elaboration of the Convention.

12. Burkina Faso suggests a list of actions and initiatives that should be taken in order to further the implementation and scope of the Standard Rules: multiply the seminars on the Standard Rules to the benefit of association leaders, public and private mass media, local communities, parliamentarians and members of Governments; strengthen the capacity of associations through functional literacy programmes and training in advocacy and social mobilization; improve the participation of persons with disabilities in civil society organizations; stimulate intersectoral coordination of rehabilitation and equalization of opportunities for persons with disabilities; strengthen the provision of technical aids and equipment; promote inclusive formal education for all children with disabilities; review and improve social protection provisions for persons with disabilities; further extend accessibility to buildings through ramps, to schooling and to appropriate health care, to vocational training and farming, to sport and leisure; and develop community-based rehabilitation programmes that involve families, disability organizations and institutions. Burkina Faso stresses the need for the United Nations, particularly the United Nations Voluntary Funds, to support the implementation of national programmes in favour of persons with disabilities.

13. Cameroon, while noting the operational relevance of the proposed supplement, expresses concern that the emphasis on special needs indirectly portrayed persons with disability as being permanently dependent. On the contrary, the supplement should convey a strong sense of how social integration could lead persons with disability to autonomy and sustainable livelihood. Cameroon also stresses that the implementation of the proposed supplement requires the mobilization of considerable financial, human and material resources far beyond those available in developing countries, particularly those faced with serious economic difficulties. Cameroon observes with appreciation that the term "persons with disabilities" is now used to qualify persons of all ages with disabilities and it systematically refers to men and women with disabilities.

14. With regard to section B of the proposed supplement, on adequate standard of living and poverty alleviation, Cameroon emphasizes that poverty critically aggravates the often precarious situation of many persons with disabilities. Regarding section I, on gender, it highlights the fact that women with disabilities are often exposed to multiple discriminations: as women, as persons with disabilities and as economically weak subjects. As a consequence, women with disabilities face enormous difficulties in their social integration. As to section J, on children with disabilities and the family, Cameroon reaffirms that the place of children is within their families and in society and that this principle must be recognized and protected. It also highlights the importance of disability prevention and early rehabilitation. With regard to the proposition contained in paragraph 70 that "States should support women and men with disabilities wanting to pursue a separation or a divorce owing to abuse or violence", Cameroon observes that its policies aim at protecting families and at avoiding the multiple dangers of divorce and its negative social consequences. Regarding section K, on violence and abuse, Cameroon affirms that special legislative measures must be taken in order to protect the rights of persons with disabilities facing sexual and other forms of violence. As to section M, on developmental and psychiatric disabilities, Cameroon recommends that States should encourage and support the creation of organizations aiming at defending the interests of persons with developmental and psychiatric disabilities. Regarding section N, on invisible disabilities, Cameroon notes that it is important to take into

consideration invisible disabilities and to take measures in order for persons with invisible disabilities to be able to participate into social life in conditions of equality.

15. China is of the view that, while the Standard Rules had played an important historical role in advocating the rights of persons with disabilities, enhancing their status and improving their livelihood, some elements of the Rules need to be supplemented in order to take advantage of recent developments so as to ensure that the rights of persons with disabilities are fully protected and exercised. It expresses its approval of the proposed supplement to the Rules in its general content. With regard to the formulation of sections, and in particular on the ones concerning adequate standard of living and poverty alleviation, housing, health and medical care and access to the social environment (paragraphs B.13, 14 and 16, C.21 and 25, D.27, 28, 33 and 34 and G.43 of the proposed supplement), China suggests that emphasis should be placed on statements of principle, stating the direction towards which countries should try to develop. It remarks that the use of terms such as "ensure" should be avoided, in order to take into account as much as possible the different levels of economic and social development of the majority of developing and less developed countries and their available resources. China also believes that the Standard Rules and the process towards a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities should be complementary and mutually reinforcing. It is of the opinion that, as the technical norm that has guided the development of countries in areas concerning persons with disabilities for many years, the Standard Rules should continue to play their role, while the Convention should serve as an international legally binding instrument that would provide the legal guarantee for achieving the goals set forth in the Rules.

16. Cyprus acknowledged receipt of the note verbale but did not present any specific views.

17. The Czech Republic welcomes the initiative of complementing the Standard Rules through the proposed supplement and expresses its commitment to elaborate it further. As a general comment to the proposed supplement, it notes that some of the provisions presented in the proposal are unrealistic in terms of implementation by developing countries, such as, for example, rule D.29: "States should ensure that all medical, paramedical and related personnel are adequately trained and equipped to give medical care to persons with disabilities ...". The Czech Republic believes that, while it would be possible to provide medical personnel with basic information on the specific needs of persons with disabilities, it is quite unrealistic to provide all medical personnel with adequate specific knowledge on disabilities. As a consequence, the Czech Republic suggests that such a provision should be rephrased so as to urge States to establish sufficient networks of specialized centres and experts with all necessary qualifications effectively to provide medical care to persons with disabilities.

18. Regarding section A of the proposed supplement, on fundamental concepts, the Czech Republic agrees with the need to use the widest and most general classification of disabilities. However, it stresses the importance of clarifying that the term prevention should not be related to the notion of aborting a foetus with established high risk of impairment. As to section B, on adequate standard of living and poverty alleviation, the Czech Republic highlights the fact that States should,

within their capacities, also pursue positive discrimination (i.e. targeted social support) of persons with disabilities in case their disabilities constitute too great a disadvantage with respect to others in relation to equal treatment. With regard to section C, on housing, including the issue of residential institutions, the Czech Republic is concerned that provision C.21 could encourage some poor families to mutilate their children in an attempt to claim provision of housing from the State. As to section D, on health and medical care, the Czech Republic stresses that States' obligations should be realistically related to their level of development. It also considers that ensuring that persons with disabilities are informed of their rights, particularly of the right to self-determination, as stated in rule D.33, is of special importance.

19. The Czech Republic regards the inclusion of the issues of access to the social environment (section F), communication (section G) and personnel training (section H) as very important. It suggests, however, that the enumeration of disabilities included in rule G.49 should be dropped, as it would always be partial, and highlights that in such a list blindness is missing. It also suggests that rule H.55 should call for access to continuing education for all persons, including persons with disabilities. As to section I, on gender, the Czech Republic is uneasy about the reference to the fact that women with disabilities are less frequently married, despite its agreeing with the seriousness of the issue, as there is little that States can do. Regarding section J, on children with disabilities and the family, the Czech Republic suggests that J.65 should be amended by adding the words "mental and developmental" after the word "severe". With regard to section L, on older persons, it welcomes the inclusion of such an issue in the proposed supplement. As to section M, on developmental and psychiatric disabilities, the Czech Republic fully agrees that the needs of persons with such disabilities are not satisfactorily dealt with in the Standard Rules.

20. The European Union highlights that the past 10 years are believed to have brought more progress in policy development and legislation on disability than earlier decades, largely owing to the role played by the Standard Rules. It is of the opinion that this is the result of the Rules being short in format, including relatively concrete recommendations and being attached to a special monitoring mechanism, in addition to the fact that they have been elaborated in close cooperation between a large number of Government delegations and representatives of international disability organizations. The European Union indicates that the Rules have been particularly successful in clearly defining the role of the State in the implementation of measures towards full participation and equal opportunities for persons with disabilities. In its opinion, the Rules have also contributed to strengthening the human rights dimension and to providing an active monitoring mechanism within the United Nations system. As a result of the very important role played by the Rules, the European Union emphasizes the importance of keeping them as the main international guidelines for further policy development in the field of disability and therefore supports the proposal of complementing the Rules with additional provisions in the form of a supplement based on the draft presented by the first Special Rapporteur.

21. As a general comment on the proposed supplement, the European Union notes that there seems to be some overlapping between the proposed supplement and the Standard Rules. As a result, it proposes to engage in further comparison between the two texts in order to avoid duplication. In addition, the European Union notes that

neither the Rules nor the proposed supplement contain a section on mobility and transport. The inclusion of an additional section on this issue is therefore suggested. It also proposes that the supplement to the Rules should include a specific reference to accessibility of the Rules in order to make them and the supplement to them fully accessible to persons with disabilities.

22. With regard to section A of the proposed supplement, on fundamental concepts, the European Union agrees with the Special Rapporteur that the best way to achieve compatibility with the original text of the Standard Rules is to keep to the same terminology in the proposed supplement so as to avoid confusion between the original text of the Rules and the supplement. As to section B, on adequate standard of living and poverty alleviation, it highlights the importance of effectively including adequate measures to meet the needs of persons with disabilities within programmes to combat poverty and improve living conditions of the population at large. In this regard, the European Union notes that reference should be made to the Millennium Development Goals included in the United Nations Millennium Declaration. It agrees with the importance of section E, on the particular vulnerability of persons with disabilities in emergency situations. Regarding section F, on access to the social environment, the European Union notes that, while this section was not explicitly part of the mandate to complement the Rules, the inclusion of a section of this nature is justified in view of the great importance of attitudinal barriers as an obstacle to full participation of persons with disabilities.

23. As to section G, on communication issues, the European Union stresses that the role of information and communication technology in the disability field is growing rapidly, which makes it necessary to update the Standard Rules in this area. It views training personnel in the disability field as being of critical importance and therefore agrees with the inclusion of section H in the proposed supplement. The European Union is of the opinion that the proposed supplement introduces important aspects of personnel training, such as awareness and knowledge of the occurrence of violence against persons with disabilities, attitudinal barriers and knowledge about the basic living conditions of persons with disabilities. With regard to section I, on gender, it points out that women and girls with disabilities are often exposed to double discrimination and that a special emphasis on gender equality is therefore particularly relevant. As to section J, on children with disabilities and the family, the European Union stresses that the knowledge about the situation of children with disabilities has increased considerably during recent years, owing to the work done in connection with the monitoring of the implementation of the Convention on the Rights of the Child. It is therefore of the opinion that a section on these issues is highly justified both as a complement to rule 9 of the Standard Rules, on family life and personal integrity, and as an incentive to develop policies and programmes to support children and youth with disabilities. The European Union stresses the importance of the suggested measures aimed at facilitating the life of children with disabilities within their families.

24. Regarding section K, on violence and abuse, the European Union notes with appreciation the initiative to focus on these issues in a separate section and stresses the importance of both continuing research in this area and increasing awareness and knowledge of these issues among professionals. As to section L, on older persons, the European Union agrees that the supplement clarifies the need to include the specific needs of older persons with disabilities in national policies and programmes. It also states that it is important to include the situation of older

persons with disabilities in future studies and research on disability. With regard to section M, on developmental and psychiatric disabilities, the European Union notes that persons with developmental and psychiatric disabilities are among the most vulnerable in society and are often particularly exposed to prejudice and negative attitudes. It stresses that references to the needs of these two groups have been included in several sections and there therefore seems to be some overlapping between section M and several other sections. However, such overlapping could be acceptable in view of the importance of recognizing the needs of these groups. The European Union is of the opinion that the provisions introduced by the supplement on the situation of these groups represent the most important contributions of the supplement itself. Regarding section N, on invisible disabilities, it notes that this topic is not explicitly included in the mandate of the Special Rapporteur to complement the Standard Rules. However, the European Union expresses its support to the inclusion of this topic, as it puts the focus on an important phenomenon that often has a negative impact on the inclusion of persons with disabilities in society. As to section O, on suggested further initiatives in national policy and legislation, the European Union notes with appreciation the valuable recommendations presented by the first Special Rapporteur, on the basis of the experience gained during the monitoring of the Rules. It is also of the view that non-governmental organizations should be more closely involved in the process of further integration of persons with disabilities at the national level.

25. Honduras underlines the importance of the process of elaboration of a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities, notably with reference to the need of ensuring the protection of the rights of persons with disabilities, for their benefit and with their participation. Honduras also agrees that the Standard Rules are the guiding instrument to end exclusion and discrimination of persons with disabilities and expresses its approval for the inclusion of the proposed supplement to the Rules.

26. Luxembourg expresses its general support to the proposed supplement to the Standard Rules and stresses the importance of consulting organizations of persons with disabilities at all stages of development and implementation of programmes aimed at persons with disabilities. Regarding section C of the proposed supplement, on housing, including the issue of residential institutions, Luxembourg states its support to the de-institutionalization of persons with disabilities. As to section D, on health and medical care, and in particular on D.33, it highlights the fact that the right of persons with disabilities to "refuse treatment and the right not to comply with forced admission to institutional facilities" should not affect the right of authorities to institutionalize persons with disabilities in case their conditions make them dangerous for themselves and for others.

27. Madagascar notes with appreciation the content of the proposed supplement and expresses its agreement on the proposals it contains.

28. Malta expresses its full support to the recommendations presented by the first Special Rapporteur in his report.

29. With regard to section A of the proposed supplement, on fundamental concepts, Oman suggests that the second edition of the International Classification of Impairment, Disabilities and Handicaps — the International Classification of Functioning, Disability and Health — be published and circulated among Member

States.[3] With reference to section B, on adequate standard of living and poverty alleviation, it notes that prevention must be viewed as general prevention through environmental health and education. In order to ensure that persons with disabilities have access to equal opportunities in education, health, employment and social services, States should elaborate specific laws on services for persons with disabilities. Training programmes should be developed and applied at the community level so as to ensure the provision of specific services. As to section D, on health and medical care, Oman notes that the need for medical personnel to give full and balanced information concerning diagnosis and treatment to persons with disabilities raises a matter of importance for them, their family and for society in general. It suggests that regular television and radio programmes should be prepared in order to maximize the dissemination of information related to disabilities. With regard to section E, on emergency situations, Oman states that emergency services should take into consideration the specific needs of persons with disabilities. Regarding section H, on personnel training, it suggests that in order to set up and support the required services for persons with disabilities and make all persons in the community aware of them, adequate training should be provided to personnel working in the private and public sectors and the training should include an understanding of the substance of the United Nations Standard Rules relating to human rights and persons with disabilities.

30. The Philippines agrees that despite the indisputable value of the Standard Rules as guidelines in developing and establishing disability policies and legislation, many inadequacies have emerged in the areas addressed in the proposed supplement, such as fundamental concepts as well as children and women with disabilities, persons with mental and developmental disabilities and communication, particularly information and communication technology. The Philippines suggests that the monitoring mechanisms for both the Rules and the World Programme of Action concerning Disabled Persons[4] should be synchronized and implemented as one activity, in consideration of the need to save time, money and effort, while at the same time improving the United Nations monitoring system in general.

31. The Russian Federation notes that the drafting and entry into force of a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities may take a long time. Therefore, it believes that prior to the completion of the Convention, the Standard Rules would remain the basic reference in the elaboration of national policies on persons with disabilities. The Russian Federation supports the initiative aimed at updating the recommendations contained in the Rules and notes that the adoption of the proposed supplement to the Rules would facilitate the progressive development of national policies and the enhancement of legislation on persons with disabilities.

32. Serbia and Montenegro is of the opinion that the report presented by the first Special Rapporteur deals with social and economic rights of persons with disabilities in a comprehensive and appropriate manner. However, it believes that more practical guidelines based on a realistic assessment of countries' needs, development level, cultural heritage, climatic conditions and environment should be developed and suggests that the Commission for Social Development prepare such guidelines.

33. Trinidad and Tobago suggests that the following areas should also be included in the supplement to the Standard Rules: accessible transportation, inclusion of

persons with disabilities in political processes, access to information and access to the legal system. It particularly welcomes the inclusion of the issues of gender violence and older persons in the proposed supplement, as they represent areas of emerging interest in the country.

IV. Summary and proposals

34. Taking into account the views of Member States, the Secretariat puts forward the following elements and proposals for the consideration of the General Assembly.

35. The majority of Member States agreed on the very important role that the Standard Rules have played during the past decade in informing the elaboration of national policies and legislation in the disability field. Member States also agreed on the fact that the extensive application of the Rules had led to experiencing shortcomings and areas in need of further elaboration. In general terms, the majority of Member States is favourable to the adoption of the proposed supplement to the Rules.

36. All Member States but one that expressed their views on the proposed supplement were of the opinion that the Standard Rules and the international convention process were not competitive but rather complementary and mutually reinforcing instruments. They therefore stressed that the Rules must continue to play their role as an action-oriented set of guidelines while progress was made towards an international convention on the rights of persons with disabilities.

37. Member States presented both general and specific comments on the proposed supplement as well as proposals for further amendments. Some Member States also presented suggestions on additional actions within the framework of the Standard Rules and on areas to be further included in the proposed supplement. The main suggestions put forward by Member States are as follows:

(a) Some Member States noted that, in order to take into account the levels of development and of available resources of different countries, emphasis should be placed on statements of principles as opposed to specific provisions;

(b) Several Member States noted that the mobilization of large financial, human and material resources was needed to ensure the efficient implementation of the Standard Rules;

(c) The mobilization of additional resources aimed at supporting national capacities on equalization of opportunities for persons with disabilities, including through the United Nations Voluntary Fund on Disability, was also considered necessary;

(d) Suggested additional areas included mobility and transport, the inclusion of persons with disabilities in political processes and access to information and the legal system;

(e) The importance of the accessibility of the Standard Rules and their supplement to persons with disabilities was pointed out;

(f) It was suggested that a further analysis of the proposed supplement and the Standard Rules should be undertaken in order to eliminate overlapping and duplication of provisions;

(g) It was proposed that the monitoring framework for the Standard Rules and that for the World Plan of Action concerning Disabled Persons should be synchronized and implemented as one activity and that cooperation between the Special Rapporteur on Disability and the various United Nations bodies and organizations involved should be strengthened and improved.

Notes

[1] The full text of the proposed supplement is contained in the annex to the present report.

[2] It should be noted that Cyprus, Luxembourg and the Czech Republic, while aligning themselves with the view expressed by the European Union also presented a contribution of their own.

[3] See World Health Assembly resolution 54.21.

[4] A/37/351/Add.1 and Add.1/Corr.1, annex, sect. VIII.

Annex

Reaching the most vulnerable: proposed supplement to the Standard Rules on the Equalization of Opportunities for Persons with Disabilities

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I. Introduction

1. The 1990s brought more progress in disability policy and legislation than earlier decades. This development was initiated through the activities in connection with the observance of the International Year of Disabled Persons (1981), the adoption of the World Programme of Action concerning Disabled Persons (A/37/351/Add.1 and Add.1/Corr.1, annex, sect. VIII) and the activities during the International Decade of Disabled Persons (1983-1992).

2. Since the adoption of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities by the General Assembly in its resolution 48/96 (annex) of 20 December 1993, and the establishment of its monitoring mechanism in 1994, the Rules have played a significant role worldwide in the elaboration of national policies and legislation in the disability field. This active and practical application of the Rules has provided new and valuable experience on how to use the Rules in the future. At the same time, it has revealed certain weaknesses and omissions in the present text.

3. Throughout the entire Standard Rules text, the term "persons with disabilities" is used to refer to persons of all ages with disabilities. In the text of the proposed supplement the term should always be understood as meaning "girls, boys, women and men with disabilities" when no other qualifying term is indicated.

4. The purpose of preparing the proposed supplement to the United Nations Standard Rules is to complement and develop the text in certain areas. The work is based on the analysis of gaps and shortcomings presented by the Special Rapporteur on Disability in his report to the thirty-sixth session of the Commission for Social Development (E/CN.5/2000/3, annex). In that analysis the following were pointed out: gender concerns; housing and communication issues; the needs of children and older persons; the needs of persons with developmental and psychiatric disabilities; and the needs of persons with disabilities in poverty situations.

5. In the process of elaborating this supplement, several international organizations and individual experts have contributed, particularly those representing the interests of persons with developmental and psychiatric disabilities and children. The panel of experts, attached to the Standard Rules monitoring mechanism, has worked with the text and made many valuable suggestions. Finally, the outcome of the global Conference on Rethinking Care (Oslo, 22-25 April 2001), organized by the World Health Organization in cooperation with the Government of Norway, has been taken into account.

6. The text of this supplement does not follow the structure of the Standard Rules. The order of sections has been chosen to avoid unnecessary repetition. The mode of presentation combines a commentary and explanation of the text with a set of recommendations, presented in the same way as in the Rules.

7. The most obvious common feature of the comments and recommendations in this supplement is that they bring into focus the needs of the most vulnerable among children and adults with disabilities.

II. Proposed supplement to the Standard Rules

A. Fundamental concepts

8. The Standard Rules include a presentation of the International Classification of Impairment, Disabilities and Handicaps, which was adopted by the World Health Assembly of the World Health Organization (WHO) in 1980. This classification has now been revised. In 2001 the World Health Assembly endorsed the International Classification of Functioning, Disability and Health, in which functioning and disability are understood to occur in a context characterized by personal and environmental factors: physical, social and attitudinal. Functioning and disability are classified at the levels of the body, the person and the society. The Classification can be used to describe an individual's capacity to execute simple and complex actions, which can be employed to determine appropriate health interventions and other changes to the person. In addition, the Classification can be used to describe actual performance in an individual's current environment. It is then possible to identify the environmental factors that facilitate or hinder that performance so as to determine appropriate environmental modifications or health-related interventions to improve it. In this supplement, however, the terminology used in the Standard Rules has been retained in order to avoid confusion.

9. It should be noted that considerable confusion has arisen concerning the use of the word "handicap". Even if the term is established in many languages, it has acquired a derogatory, negative and even insulting connotation in several languages, and should therefore be used with great care.

10. It should also be emphasized that the term "prevention", as outlined in the Standard Rules, must never be used to justify the denial of the right to life or to equal participation in society for persons who have disabilities.

B. Adequate standard of living and poverty alleviation

11. It is obvious that in developing countries, as in more developed areas, persons with disabilities and their families are more likely than the rest of the population to live in poverty. It is a two-way relationship: disability adds to the risk of poverty, and conditions of poverty increase the risk of disability. Prejudice and social stigma affect the lives of both children and adults with disabilities and lead to isolation and exclusion from the life of their communities.

12. The attainment of an adequate standard of living by persons with disabilities is implied in the principle of equal rights for all and in the process of equalization of opportunities for persons with disabilities.

13. States should ensure that persons with disabilities receive the support they need within the ordinary systems of society, such as education, health, employment and social services.

14. When taking measures to combat poverty, States should include programmes to support empowerment of persons with disabilities and promote their active participation in society.

15. As part of their development programmes, States should also ensure access to adequate and safe housing, food and nutrition, water and clothing for persons with disabilities.

16. In the framework of community-based services, States should provide education, rehabilitation, assistive devices and employment services to persons with disabilities.

17. States should encourage the collection and dissemination of information on the living conditions of persons with disabilities and promote comprehensive research on all conditions affecting the lives of persons with disabilities.

18. In cooperation with local and regional authorities, the Office of the United Nations High Commissioner for Refugees (UNHCR) and other actors, States should provide the necessary assistance to homeless persons, displaced persons and refugees with disabilities, enabling them to attain self-sufficiency and promoting sustainable solutions to their problems.

19. Organizations of persons with disabilities should be consulted at all levels in programmes affecting the standard of living of persons with disabilities.

C. Housing, including the issue of residential institutions

20. A prerequisite for full participation and equality is that persons with disabilities can grow up, live and develop their potential in the community they belong to. In this context the provision of suitable housing is crucial.

21. States should ensure safe, habitable, accessible, affordable housing and shelter for all persons with disabilities, adequate for their health and well-being. Such housing conditions, including the social and physical infrastructure, should enable children with disabilities to grow up with their parents and should enable adults with disabilities to be part of the community.

22. Measures should also include awareness-raising campaigns to combat negative attitudes among neighbours as well as the local population.

23. In countries where the policy has been to house many groups of persons with disabilities in separate and large institutions States should reorient their policies towards community-based services and family support. In this way it should be possible to initiate programmes to stop admissions to such facilities as well as plan for their ultimate closure.

24. For orphans with disabilities and for other groups of disabled children without family or other personal support, substitute families should be found. For adults in the same situation, small family-like facilities (group homes), situated in the community, should replace large institutions.

25. States should ensure that appropriate support is provided for residents with disabilities when they leave their residential institutions to rejoin the community, and that the support services continue for as long as required.

26. With regard to persons still living in institutions, States must ensure that their basic needs are met, and ensure respect for their right to a private space where they may receive visitors as well as keep their files, correspondence and other personal belongings. The treatment of every person should be directed to preserving and

enhancing personal autonomy. States must also ensure that opportunities for meaningful participation and involvement in community life occur.

D. Health and medical care

27. Recognizing that health is a human right, States must ensure access to high quality and safe medical services and facilities for all people, regardless of the nature and/or severity of impairment, age, gender, race, ethnicity and sexual orientation. States should recognize that persons with disabilities have the same right to self-determination as other citizens, including the right to accept or refuse treatment. States must ensure that the right to life is paramount in the delivery of medical and health services.

28. States should ensure that persons with disabilities get the same level of medical care within the same system as other members of society, and do not face discrimination on the grounds of presumptions of their quality of life and potential.

29. States should ensure that all medical, paramedical and related personnel are adequately trained and equipped to give medical care to persons with disabilities and that they have access to relevant treatment methods and technology. To understand fully what it means to live with a disability, future professionals should meet and learn from persons with disabilities.

30. Medical and paramedical personnel should give full and balanced information and advice concerning diagnosis and treatment to persons with disabilities. This is particularly important in the situation of prenatal diagnosis. In the case of children, information should be given to parents and, when appropriate, to other family members.

31. States should design and implement programmes with the full involvement of women and men with disabilities to give them appropriate and fully accessible education, information and services to address their reproductive and sexual health needs.

32. States should raise awareness of, prevent and treat sexually transmitted infections, including HIV/AIDS.

33. States should ensure that medical facilities and personnel inform people with disabilities of their right to self-determination, including the requirement of informed consent, the right to refuse treatment and the right not to comply with forced admission to institutional facilities. States should also prevent unwanted medical and related interventions and/or corrective surgeries from being imposed on persons with disabilities.

34. States should develop national rehabilitation programmes for all groups of persons with disabilities. Such programmes should be based on the actual individual needs of persons with disabilities. The training should be based on the principles of full participation and equality, and aim at the removal of barriers for their participation in the mainstream of community life.

E. Emergency situations

35. It has often been recognized that the needs of persons with disabilities are forgotten or neglected in general relief programmes.

36. In cooperation with concerned United Nations agencies such as UNHCR and the United Nations Development Programme (UNDP), States should develop policies and guidelines for the inclusion of support measures with regard to persons with disabilities in emergency situations. Their emergency services should be adequately equipped and prepared to provide medical treatment and support to persons with disabilities and their families.

37. Special attention should be paid to the fact that persons with disabilities are particularly vulnerable to abuse in emergency situations.

F. Access to the social environment

38. Two dimensions of accessibility are pointed out in Rule 5 of the Standard Rules: access to the physical environment and access to information and communication. Experience has shown that it is necessary to include a third dimension — access to the social environment — in national disability programmes.

39. States should encourage measures to remove all obstacles resulting from ignorance and negative attitudes towards persons with disabilities.

40. Measures to combat prejudice should be taken through public education and information campaigns, awareness-raising and encouragement of a positive portrayal of persons with disabilities in the media. Particular emphasis should be given to the gender dimension, to persons with developmental and psychiatric disabilities, to children with disabilities and to persons with multiple or invisible disabilities.

41. When planning measures to combat social prejudice, it is of particular importance for States to ensure the involvement of organizations of persons with disabilities.

G. Communication issues

1. Information and communication technology

42. Information and communication technologies and infrastructures are rapidly growing in importance in the provision of information and services to the population. These technologies must therefore be made accessible and their great potential to assist and support persons with disabilities must be utilized.

43. States should ensure that information and communication technologies and service systems offered to the general public are either made initially accessible or adapted to be made accessible to persons with disabilities. It is also important to create opportunities for special training courses as well as access to affordable equipment and software and to distance learning through these technologies for persons with disabilities.

44. States should consider presenting accessibility and usability standards and guidelines as a precondition for public funding and recognize public procurement as a tool to achieve accessibility.

45. States should initiate the development and use of special technical and legal arrangements to make information and communication technologies accessible to persons with disabilities.

2. Sign language

46. During the 1990s an increasing number of States recognized sign language as the main means of communication for deaf people. In view of the decisive importance of sign language in the personal development of deaf people, such recognition must be encouraged worldwide.

47. States should recognize sign language as a natural language and as the medium of communication among deaf people. It should be used in the education of deaf children, in their families and in the communities.

48. Sign language interpretation services should be provided to facilitate communication between deaf persons and others.

3. Other communication needs

49. Consideration should be given to the needs of people with other communication disabilities, such as the speech-impaired, the hard-of-hearing, the deaf-blind and persons with developmental and psychiatric disabilities, who require specific forms of assistance.

50. In addition to information and communication technologies, special assistive devices and interpreter services may be needed.

H. Personnel training

51. A key element in all programmes and services for persons with disabilities is to have well-trained and informed personnel. Furthermore, information on disability and the living conditions of persons with disabilities should be provided to professional groups serving the general population, such as medical doctors, teachers and social workers as part of their basic training. In addition to technical information, professionals should have knowledge of the prevailing attitudes towards persons with disabilities.

52. States should ensure that all authorities providing services in the disability field give adequate training to their personnel and that an understanding of the substance of the United Nations Standard Rules is an outcome of such training.

53. States should ensure that personnel are educated to recognize acts of discrimination based on gender, ethnicity, race, age and/or sexual orientation against children and adults with disabilities.

54. States should facilitate training for persons with various types of disabilities so they may work as professionals in the disability field and serve as role models.

55. Access to continuing education on a regular basis should be available and encouraged for all persons, groups and institutions concerned with disabilities.

I. Gender

56. Women with disabilities are often exposed to double, or even triple, discrimination. They suffer discrimination as women, as disabled persons and on the grounds of their economic status.

57. In many cultures, the status of women with disabilities is negatively affected by the fact that they less frequently get married and have children. They are often exposed to discrimination in medical care and rehabilitation, education, vocational rehabilitation and employment.

58. The initial sentence of every Rule in the Standard Rules document contains the term "persons with disabilities". This should always be understood as referring to "girls, boys, women and men with disabilities". It is important to emphasize both gender equality and the inclusion of children and youth, wherever appropriate.

59. In gender-sensitive development programmes, women and girls with disabilities should be identified as target beneficiaries.

60. Organizations of persons with disabilities should take action to get the concerns of women and girls with disabilities onto their agenda, and onto the agendas of women's organizations and organizations representing children.

J. Children with disabilities and the family

61. In some cultures, a disability is often seen as a punishment and is connected with feelings of fear and shame. Owing to this, children with disabilities may be hidden away or neglected by the rest of the community. As a consequence it is not possible for them to live a decent life, and they are sometimes even denied the right to survival.

62. Children with disabilities are often neglected by the school system. Obstacles in the physical environment prevent the children from moving around freely, from playing and from sharing the company of other children.

63. States should initiate programmes for early detection and intervention and ensure that children with disabilities, including children with severe and/or multiple disabilities, have access to medical care and rehabilitation services. These services should be provided without any bias based on gender, age or other status.

64. Training and rehabilitation programmes should not disrupt the disabled child's right to family life and social interaction with their non-disabled peers.

65. All children with disabilities, including those with severe disabilities, should have access to education. Special attention should be given to very young children, girls and young women with disabilities.

66. States should encourage measures that enable children with disabilities to play and to be together with other children in the community.

67. States should ensure that children, adolescents and youth with disabilities are entitled freely to express their views on matters of concern to them and to have their views taken seriously in accordance with their age and maturity.

68. States should develop adequate support to families who have children with disabilities, including disability-specific assistance and information, access to mainstream parent support and possibilities for parent-to-parent exchanges.

69. States should encourage employers to make reasonable adjustments to accommodate family members responsible for the care of children and adults with disabilities.

70. States should support women and men with disabilities wanting to pursue a separation or a divorce owing to abuse or violence.

K. Violence and abuse

71. Studies during recent years have shown that experience of sexual abuse and of other forms of violence and abuse are frequent among persons with disabilities. Owing to the special circumstances, such problems are often difficult to discover, as they may occur in closed environments and are sometimes committed against children and adults who have difficulty explaining what has happened.

72. States should develop programmes to recognize and eradicate abuse and violations of girls, boys, women and men with disabilities. It may occur in the family, in the community, in institutions and/or in emergency situations.

73. Persons with disabilities need to be educated about how to avoid the occurrence of abuse, how to recognize when abuse has occurred and how to report it.

74. States should provide information to persons with disabilities and their families about ways to take precautions against sexual and other forms of abuse.

75. Professionals should be trained how to identify conditions leading to possible victimization, how to avoid such situations, how to recognize when abuse has occurred, how to support a victim with a disability and how to report on such acts.

76. Police and judicial authorities should be trained to work with persons with disabilities so that they can receive testimonies from such persons and treat instances of abuse seriously. Perpetrators of abuse should be identified and brought to justice.

77. Special legislative measures may be needed to protect the right to personal integrity and privacy for children and adults with disabilities, in order to avoid their exploitation and abuse.

L. Older persons

78. There are two main categories of older persons with disabilities. For those who experienced their disabilities earlier in life, the needs may change with advancing age. The other group consists of people who lose physical, sensory or mental functions due to ageing. With the increase in life expectancy, owing to the general improvement in the standard of living, this group is growing in number.

79. The Standard Rules do not make any age distinctions. The term "persons with disabilities" refers to persons of all ages. However, experience has shown that the

needs of older persons with disabilities are often not included in national disability policies and programmes, and therefore some clarification may be appropriate.

80. States should ensure that the needs of older persons with disabilities are included in the policies, programmes and services designed to meet the needs of persons with disabilities.

81. Special attention should be paid to the needs of older persons with disabilities in the provision of health and medical care services, rehabilitation, assistive devices and other forms of support services.

82. The situation of older persons with disabilities should be included in research, in the collection of statistics and in the general monitoring of the living conditions of persons with disabilities.

83. Public information and awareness-raising campaigns should pay attention to the situation of older persons with disabilities.

M. Developmental and psychiatric disabilities

84. The two groups of persons, those with developmental and those with psychiatric disabilities, are different in regard to both the origin and the character of their problems. However, both groups belong to the most vulnerable among citizens of society. Their disabilities are surrounded with more negative attitudes and prejudice than most other groups of persons with disabilities. Particularly in developing regions and in countries with economies in transition, the voice of persons with developmental and psychiatric disabilities is seldom heard. Consequently, their needs are often forgotten or neglected when plans are made to improve the living conditions of persons with disabilities.

85. One of the more serious weaknesses of the Standard Rules is that the needs of persons with developmental and psychiatric disabilities are not dealt with in a satisfactory way. Areas such as health and medical care, rehabilitation, support services, housing conditions, family life and personal integrity are of vital importance for both these groups. Their needs constituted an important perspective when these policy areas were elaborated for this supplement.

86. States should ensure that the special needs of persons with developmental and psychiatric disabilities are respected in health and medical care, and in rehabilitation and support services. Particular emphasis should be given to issues of self-determination.

87. States should develop forms of support for families who have children or adult family members with developmental or psychiatric disabilities. Such support may be necessary to make it possible for the disabled person to live with the family.

88. Many adults with developmental or psychiatric disabilities need special housing arrangements to be able to cope with their situation. Small family-like facilities (group homes) with sufficient support services, sometimes provided within the framework of independent living schemes, may be useful alternatives.

89. States should ensure that the situation of persons with developmental and psychiatric disabilities is included in research, data collection and general monitoring of the disability field.

90. States should encourage and support the development of organizations representing the interests of persons with developmental and psychiatric disabilities, including self-advocacy groups and parent action groups.

N. Invisible disabilities

91. An important group of persons with disabilities are those who have disabilities that are not easily discovered by others. This often leads to misunderstandings and wrong conclusions. Among such groups with invisible disabilities, the following may be mentioned: persons with psychiatric or developmental disabilities; those with disabilities from chronic diseases; and those who are hard of hearing or deaf.

92. In public awareness programmes, it is important to include information about persons with invisible disabilities and the special problems they may experience.

93. It is also important to include the unique characteristics of invisible disabilities when taking measures towards full participation and equal opportunities for persons with disabilities.

O. Suggested further initiatives in national policy and legislation

94. As a result of the experience gained in the use of the Standard Rules for a number of years and as a consequence of the development in the human rights area, the following general recommendations concerning governmental policy can be made:

(a) States should introduce comprehensive mandatory anti-discrimination laws to secure the removal of obstacles to equal participation in mainstream community life by persons with disabilities. They should ensure the inclusion of persons with disabilities among indigenous peoples and other minorities in this process;

(b) States should consider the introduction of mandatory legislation to ensure the provision of assistive technologies, personal assistance and interpreter services, according to the needs of persons with disabilities, and those of their family caregivers, as important measures to achieve equal opportunities;

(c) States should consider the use of public procurement as a tool to obtain accessibility. Accessibility requirements should be included in the design and construction of the physical environment from the beginning of the designing process;

(d) Legislative measures should also be considered to encourage and support the development of accessibility in transportation systems, housing, and information and communication services;

(e) States should support and promote the international exchange of research findings and experiences and the dissemination of best practices in all sectors of society;

(f) States should take action to include reporting on the situation regarding persons with disabilities in their periodic reports to the committees of the various human rights conventions to which they are parties. Information should be gathered

and submitted whether or not articles in each convention refer specifically to persons with disabilities. States should support the participation of organizations of persons with disabilities and encourage them to express their views during the review process;

(g) Before making decisions on policies, programmes and legislation that affect the lives of the population generally, consequence analyses concerning the effects on persons with disabilities should be made.

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Improving public sector effectiveness

Report of the Secretary-General

Summary

The present report is prepared in response to Economic and Social Council decision 2003/230 of 21 July 2003, in which the Council approved the provisional agenda for the forty-second session of the Commission for Social Development. The priority theme of that agenda is "improving public sector effectiveness".

The report provides an analysis of the notion of "public sector" in the context of United Nations activities and circumscribed in the light of the mandate of the Commission. It then describes the context of the call for improving public sector effectiveness. A definition of what constitutes an effective public sector is analysed, and means to improve its effectiveness are discussed. These include the levels and methods of financing; methods of delivery of public social services; privatization; social dialogue and participation; and public servants. Finally, the report presents a set of recommendations for consideration by the Commission

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Introduction

1. In accordance with the multi-year programme of work for 2002-2006 adopted at the thirty-ninth session of the Commission for Social Development, the priority theme for the forty-second session, in 2004, is "improving public sector effectiveness". The present report, submitted pursuant to Economic and Social Council decision 2003/230 of 21 July 2003, addresses this theme.

2. An expert group meeting hosted by the Government of Ireland was convened in June 2003 in Dublin. The experts, invited in their individual capacity, were asked to give their views on factors affecting the effectiveness of the public sector and to discuss different strategies to strengthen such effectiveness. Some of the findings of the meeting were used for the preparation of the present report.

3. In chapter I, the very broad notion of "public sector" is placed in the context of the activities of the United Nations, and circumscribed in the light of the mandate of the Commission for Social Development. Chapter II evokes the intellectual and political context in which the call for greater effectiveness of the public sector gained prominence. In chapter III, an analysis is made of the concept of effectiveness as it applies to the public sector. In chapter IV, some of the means currently considered to improve this effectiveness are described. Finally, chapter V presents recommendations for consideration by the Commission.

I. The public sector in the work of the United Nations

4. The public sector encompasses those entities owned and/or controlled by the State and its central, regional and local agencies. These agencies include government departments or ministries, public agencies and a variety of statutory bodies, as well as public enterprises. State ownership can be total or partial, but essential to the public nature of an institution or activity is the existence of a regulatory regime and mode of operation determined by public authorities.

5. The public sector has a great variety of functions and operates in a large array of domains, from the collection of taxes to the production and delivery of energy to private households and enterprises, to the delivery of compulsory education to children in a given age group. In addition, the relative size and political, economic and social weight of the public sector vary immensely from region to region and country to country. Furthermore, there is a continuum between the public and the private sector as contractual and other relationships have progressively been created between public authorities, the private business sector and also the non-governmental and non-profit sector.

6. Since the issue of economic and social development in developing countries is central to the mandate of the United Nations, the role of the public sector continues to be one of the important items on its agenda. For instance, successive international development strategies include references to this sector and recommendations as to its functions and financing. During the cold war, there were irreconcilable differences on the optimal size of the public sector and on the extent to which the private sector of the economy should be regulated and subjected to governmental planning.

7. In the mid-1990s, however, at the time of the convening of the World Summit for Social Development, such controversies had lost much of their relevance as the advantages of the market economy over centralized and publicly owned systems of production and distribution had been clearly established. Rather, debates shifted towards ways and means to improve the effectiveness of public institutions and public activities, and increase their contribution to the realization of national and international goals. At its twenty-fourth special session, the General Assembly adopted resolution S-24/2 of 1 July 2000, in which it adopted proposals for further initiatives for social development. Section II, paragraph 43, of those proposals mentions the importance of stronger public institutions "to provide an effective framework to ensure an equitable provision of basic social services for all ... [and recognizes] that an effective and accountable public sector is vital to ensuring the provision of social services".

8. The work of the United Nations Secretariat has traditionally included public administration and ways to improve its functioning. In 2001, the Economic and Social Council established, by resolution 2001/45, the United Nations Committee of Experts on Public Administration, consisting of 24 experts appointed in their personal capacity. In the report on its second session, held in April 2003, the Committee recommended that, given the importance of efficient public administration systems for the attainment of social development and the Millennium Development Goals, the Economic and Social Council establish linkages between the work of the Commission for Social Development and the remit and work of the Committee.[1]

9. In view of the mandate of the Commission for Social Development and the agenda item — Follow-up to the World Summit for Social Development and the twenty-fourth special session of the General Assembly — under which the priority theme is placed, the public sector is treated in the present report from the perspective of its capacity to deliver effectively social services.

II. Context of the call for improving public sector effectiveness

10. Policy shifts over the past two decades have shaped the current perception of the public sector, its role and desirable size. During the 1980s and into the 1990s, the view prevailed that the smaller the government the better. Most Governments came under significant pressure to exercise fiscal discipline by reducing the size of their public sectors, budgets and expenditures, as well as their role in the economy and society. At the same time, Governments were urged to improve their overall performance. In other words, public institutions were asked to accomplish more with reduced means. Such policies were promoted in developed as well as developing countries, in the latter group primarily through the structural adjustment programmes prescribed by the international financial institutions.

11. Although the outcomes of those policies varied considerably among countries, particularly in relation to their level of overall development, a common result was a retrenchment in social expenditures and consequent cutbacks in public services. The reductions were particularly noticeable in developing countries, leading to significant declines in the size of their public sectors and a stronger emphasis placed on the private sector, with its perceived superior methods of management and efficiency. During the 1990s, it was increasingly recognized that public institutions

perform a supporting role in the smooth functioning of the market and create an atmosphere favourable to private investment and private initiative.

12. Along with this shift came a new emphasis on "good governance" in the provision of social services and the promotion of social development. The push for good governance was partly a reaction to perceived past government failures in the conception and delivery of public social services. In a number of developed countries, well-staffed and generously financed public services had fallen short of meeting their objectives. They were in fact inaccessible to the poorest social groups. Or, they were creating situations of dependency and abuse among individuals who were taking advantage of the State to meet their needs. The resentment of the middle and upper classes towards the tax burden and "big government", and the related tax evasion, as well as the growth of the parallel economy, ensued.

13. In many developing countries, unsustainable fiscal deficits and debt crises had ignited high rates of inflation, forestalling further progress in social development. The perception that the public sector was wasteful grew, leading to a greater emphasis on controlling government spending and advancing principles of sound financial management. Governments were vigorously encouraged by international institutions and providers of bilateral development aid to be more attentive to transparency and accountability in all aspects of their financial, fiscal and budgeting activities. The use of regular audits and other feedback mechanisms, as well as stricter enforcement of anti-corruption laws, were advocated.

14. In parallel with this call for greater restraint and greater rigour in the handling of public resources and the management of public services, the unfolding process of globalization has contributed to the weakening of the autonomy of most Governments in domestic policy-making. The forced integration of national economies into global markets, notably through the opening of their borders to trade and financial flows, has made those economies more vulnerable and less inclined or less able to devote sufficient resources to those sectors whose contribution to competitiveness may not be immediate. To remain competitive as exporters and attractive to foreign investment, developing countries in particular have been encouraged to deregulate their economies and ease the operations of the private sector in the production of goods and services. Such "competitive pressure" has reinforced the drive towards smaller government and austerity in the provision of public services, notably public social services.

15. As a result of the interplay of the various forces, lower priority has been attached to the public sphere, leading to stagnation or decline in public resources in many countries, and, within those public resources, a reduction in the allocation for the financing of social services. Data from the World Bank and the International Monetary Fund on consolidated central government expenditures in education, health, welfare, housing and community amenities show that most developing countries experienced a decline in the share of these social expenditures in their gross domestic product during the 1980s. The decline was the most pronounced in countries that underwent structural adjustment. In particular, reductions in public funding for education — and therefore in the essential formation of human capital — occurred in countries that could least afford such divestment, namely the least developed, most heavily indebted and otherwise low-income developing countries.[2]

16. Although there has been a partial reversal of those trends since the mid-1990s, the situation in most developing countries, notably the least developed among them, remains extremely difficult. These countries suffer not only from low levels of GDP but also from relatively small shares of GDP, as compared with more affluent countries, devoted to social services and social development. Not surprisingly, social expenditures remain the lowest, in absolute and relative terms, in some of the world's poorest countries and lower-income transition economies, where the need is the greatest. It is doubtful that the Millennium Development Goals will be achieved in a context of dramatically insufficient resources allocated to the public sector, and notably to the production and delivery of social services. Starving the public sector of resources under the rationale that it therefore will become more effective and efficient would seem dubious at best and counterproductive at worst.

17. In addition, international trade agreements have implications for the effective functioning of the public sector. Most notably, the General Agreement on Trade in Services (GATS), currently being negotiated in the World Trade Organization, could potentially lead to the liberalization of public services such as those providing for education, health, and the protection of the environment. Under certain interpretations of the "exclusion clause" and the rule that national regulations should be "not more burdensome than necessary", liberalization of services could prevent Governments from providing the subsidies and enacting the regulations that they would consider useful to promote their development policies, for example the objective of equity in the distribution of public goods. Should this happen, the ability of most Governments to pursue national policies for social development would be seriously impeded.

III. Defining the effectiveness of the public sector and its constitutive elements

18. The public sector operates with a sufficient degree of effectiveness, when its results, or "effects" correspond to the objective(s) that govern its operation. Particularly for that part of the public sector that delivers social services, the components or elements that permit an assessment of effectiveness of these services can be grouped into three categories:

(a) Firstly, there are issues of *accessibility*. Public social services have to reach the population for whom they are intended, whether it is the entire population, as is the case of services with a universal intent, or a portion of the population, when the services or benefits are targeted towards a specific group. The question of accessibility has also a geographical dimension, as there is often an urban "bias" in the availability of public services;

(b) Secondly, *quality* is an essential component of effectiveness. The question of quality can be assessed in relation to the responsiveness of the services to public needs and expectations. It should also be approached from the viewpoints of the norms and objectives set by the public authorities responsible for the design and delivery of those same services;

(c) Thirdly, the *productivity* of public social services is a critical element of their effectiveness. As those services are usually labour-intensive and sparsely funded, relevant questions include what is delivered at a given cost and how the

human resources are utilized. The difficulty in measuring the quality of the "output" of social services should not be an excuse for neglecting the issue of their productivity.

19. Discussions of public sector effectiveness typically elicit comparisons with the private sector, particularly with regard to notions of efficiency and productivity. However, key differences between the public and private sectors must be fully acknowledged, especially with respect to equity considerations. In contrast to private sector entities, public service bodies aim to increase availability and accessibility of services in an equitable way, including and especially to those who cannot afford them, rather than generate financial profits. If public services are charged for, they are not usually sold to customers at commercial prices set to maximize profits. Charges to the users are often subsidized to permit access by those with limited means.

20. In addition, public services such as social welfare and unemployment benefits are often monopolistic. There are also some public services, such as tax collection and law enforcement that are not only monopolistic in character but mandatory. As a result, many of the basic features of a commercial marketplace are absent from the delivery of public services.

21. Moreover, the assessment of the effectiveness of public social services can legitimately be done from different perspectives. There is the perspective of the State trying to give a precise content to the elusive but very important notion of general interest. There are indeed many public sector organizations whose objective is to serve the whole community. There is also the perspective of a broad range of stakeholders who have different interests and expectations. These stakeholders range from the actual recipients of government services to the taxpayers who fund the services but may not be direct recipients or beneficiaries. It is generally difficult to reconcile these different perspectives and to come to an agreement on what constitutes the overall effectiveness of a particular public service.

22. Added to the general difficulties in assessing the effectiveness of public social services is the obvious fact that national and local traditions and circumstances prevent the use of a universal formula. There are, nevertheless, general guidelines that can be applied as long as particularities and specifics are taken into account:

(a) All public organizations should set clear objectives: what they do, for whom they do it and what they want to achieve. While every institution has explicit goals and objectives related to its specific functions, general objectives of public social services include improving individual well-being; enhancing the quality of social relations, social structures and social institutions; and ensuring participation by all concerned. In doing so, it is sometimes necessary to have an open debate on the values that underlie these objectives;

(b) It is of basic importance to promote dialogue, debate and learning through democratization, both in internal structures of power and in relations with external stakeholders;

(c) It is always necessary to place the issues of the cost and financing of public social services into the overall context of other government operations and total government expenditures. Public social expenditures typically include human capital development (such as health, education and training), social equity enhancement (such as food programmes, housing and other social assistance) and

social protection (such as disability and pension programmes). It is widely recognized that these are productive investments in the long-term development of societies and an input to the development process, including the promotion of productive employment.[3] The facts that public social expenditure programmes directly promote human development and social cohesion and that country experiences have shown that investment in social sectors is linked with favourable economic performance, lend support to this argument;

(d) Another useful guideline is to try to ensure complementarity among the various social services. Such complementarity creates possibilities for achieving efficiency gains. For example, it is well known that expenditures on public health are more effective when parents are literate, expenditures on education are more effective when children are healthy, and poverty alleviation can be more effective if the targeted population is more healthy and literate.

IV. Means to improve public sector effectiveness

A. Levels and methods of financing

23. Although all countries aspire to improve the effectiveness of public service delivery, the challenges they face in pursuing this objective vary greatly according to the prevailing social and economic conditions. In developed market economies, the focus tends to be on delivering existing services more efficiently, while developing countries are often preoccupied with finding the means to expand the scale and scope of coverage and the economies in transition are confronted with the difficult task of remaking their social sectors in a changed political and economic environment.

24. In a number of developing countries, and most certainly in the least developed, the resources available for the financing of public social services are simply too low for such services to yield significant results. Partly as a reflection of their low level of overall development, and partly as a consequence of recent pressures for smaller government and reduced government expenditures in the social domain, these countries do not have the critical mass of resources necessary for delivering quality and effective services. In many cases, inadequate salaries for teachers, lack of teaching material in schools, absence of basic facilities, such as latrines, clean water or libraries, poorly staffed health-care facilities, lack of medical equipment and medicine, all such deficiencies prevent the effective functioning of public education and health institutions. These countries need to develop their economic base and establish efficient and fair systems of taxation as well as receive an increased level of official development assistance. In addition, they could place more emphasis on restructuring their budgets in favour of social expenditures.

25. Questions concerning the share of its gross national product and the share of its total public expenditures that a country should allocate to the financing of public social services are much less straightforward. National circumstances are too diverse for universal averages, norms or benchmarks to be of much value. Even among countries at a comparable level of development, for instance the least developed countries, applying across-the-board judgements and guidelines should be done with extreme caution. In a particular country, at a given point in time, a greater share of public expenditure might need to be allocated to education or health or housing; but

in another country, at the same level of national income, the most urgent priority might be additional financing for infrastructure, or improved irrigation. What is reasonably clear, however, is that every effort should be made to propagate the view that the financing of efficient social services is not only a "social expenditure" but an investment for economic growth and overall development. Hence, when budgetary cuts are necessary, social services should not obviously be the first to be sacrificed. Conversely, in times of relative prosperity, they should be seen as legitimate candidates for the allocation of additional resources.

26. Regarding methods of financing public social services, taxation — its level, its modalities, and its effects on the economy and society at large — is obviously the most traditional one, the most important source and the most difficult issue. Lately, much emphasis has been placed on reducing taxes. Excessive taxation and regulation by public authorities have been denounced for their debilitating effects on economic initiative and economic growth. Within the scope of the present report, only a few remarks are in order. In poor countries, the financing of public social services, short of a permanent foreign or international source, will increasingly have to be of domestic origin. Perhaps with the exception of a few countries that will be able to rely on abundant and valued natural resources, taxation will remain the main source of public revenues. Therefore, as already mentioned, for many countries the development of efficient and fair tax systems is a condition for progress in the quantity and quality of their social services.

27. More generally, better management, allocation and distribution of government finances and expenditures are crucial components of improving public sector effectiveness. It is clear that sound financial management of public funds — an essential aspect of good government and good governance — is critical to improving such effectiveness. An important part of this sound management is the recent emphasis on the provision of timely, relevant and complete information to all directly concerned and to the public at large to ensure both transparency and accountability. These characteristics or virtues of institutions and social processes are preconditions, albeit to different degrees, for an improvement in public sector effectiveness and have been echoed in numerous United Nations documents.[4]

28. In view of the reality of limited resource availability for social development, competition for resources inevitably arises in the budgeting process among all areas of social spending. It is therefore important to view social development as a process, which requires long-term planning and policy consistency. A long-term vision is a prerequisite to mobilize the necessary national and international support for public social spending. From the same long-term perspective, it is well established that public investment in all aspects of human capital enhancement largely determines the growth potential of a country as technology becomes more knowledge intensive and national economies are increasingly integrated into the world market. Therefore, high priority should be given to all stages and forms of public educational activities that promote the formation and upgrading of the skill level of the labour force, with a goal of attracting investment to help generate more productive employment opportunities, thus enabling less developed countries to participate more fully in the global marketplace.

B. Methods of delivery

29. In examining ways to raise the effectiveness — particularly the cost-effectiveness — of public service delivery, Governments have looked to alternative service delivery mechanisms, including the extent to which non-governmental organizations, private-public partnerships and/or the market could supply services traditionally provided by the public sector. However, any reform of public service delivery, be it decentralization, privatization, the introduction of public-private partnerships or competitive, market-based structures, should aim at achieving good governance and sound financial management while simultaneously striving to improve the quality of life for all citizens. Thus, any alternative provision of public services should be evaluated not solely on the basis of its impact on public finances, but also on its impact on social development. Although calls for greater efficiency in service delivery often point to the need for cost-cutting, they must be balanced with efforts to ensure quality standards and a fair and equitable distribution of services, especially to those disadvantaged groups that tend to be marginalized in society.

30. When deciding whether services should be provided through the government budget, the market or through NGOs, the basic criteria for choosing an allocation mechanism are its effectiveness in achieving specific goals and its adherence to important, agreed-upon values. In general, other things being equal, there is a strong case to be made for preferring mechanisms for service delivery that are both closest to the individual and most effective in achieving the desired goals. This implies a preference for local authorities over national — generally referred to as the principle of subsidiarity. Such a principle has become a common remedy for raising the effectiveness of government expenditure of all kinds, and of social development expenditures in particular. To match services with preferences and maximize the productivity of government expenditures, it may indeed be appropriate — for certain types of services and when local circumstances permit — to adopt decentralized decision-making processes.

31. Exercising caution in the matter of decentralization is necessary because, other things being rarely equal, general preferences, whether for the market, for government, or for close-to-the-ground institutions, have to be assessed in the very specific contexts of particular tasks and localities. This is particularly relevant in the context of low-income developing countries, where the right conditions for decentralization and subsidiarity often do not prevail. Education, for example, is operated and funded at the local level in most countries, with the arguments for decentralization usually being accountability and responsiveness — that families and communities are usually the best judges of what their children should learn and how they should learn it. However, parents who have never been to school may not realize the value of their children going to school, preferring instead that their children add to the meagre income of the family. In such an instance, the national goal of promoting an educated citizenry should prevail over the "decentralized" preference for supplementary family income.

32. Other alternative means for public service delivery include public-private partnership programmes, which seek to develop synergies between private businesses and the public sector. The promotion of such programmes has been advanced in several major United Nations conferences, including the twenty-fourth special session of the General Assembly, and documents, such as the Millennium Declaration, as well as in the New Partnership for Africa's Development.[5] Countries

have found that mainstreaming these programmes with regular public sector activities, rather than building up a portfolio of special projects with private companies, enables a better mobilization of the huge potential of cooperation between government and the private sector. This presupposes, however, that the private sector — in both the donor and the recipient countries — sees itself from the start as a partner entrusted with public responsibilities.

33. Importing business practices such as quality management and lean production into public organizations is yet another service delivery option being entertained by Governments. Although conventional wisdom holds that the differences between public and private organizations are so great that specific management techniques do not "travel well" across the private-public sectoral boundary, this notion is being challenged. Public organizations can usefully adopt and adapt management best practices from the private sector, with successful transfer of ideas most likely when managers and staff are open and responsive to change.

34. Altering market structures to encourage more competition, either between public and private suppliers or between public suppliers (for example, between schools or hospitals) is another way to change service delivery. Evidence on the impact of competition is very mixed: some studies suggest that it leads to higher public sector performance, whereas others suggest the reverse. The circumstances under which competition succeeds or fails are not yet fully understood.

C. Privatization

35. Privatization is perhaps the most controversial of the alternative forms of service delivery, eliciting strong opinions both for and against its use. The following paragraphs examine both sides of the privatization debate and describe the various manifestations which privatization can assume.

36. One form of privatization is the outsourcing of services to voluntary or private organizations. Under this arrangement, a public body retains responsibility for specifying the service to be provided but loses direct responsibility for delivering the service. Empirical studies have shown that outsourcing leads not only to a reduction in public employment, but also to a reduction in public expenditure. However, the verdict is mixed on issues of efficiency and equity, both for staff and for customers.

37. A second form of privatization is the transfer of a function to the private sector, as happened in several countries in the 1980s and 1990s in the cases of gas, electricity, telecommunications and other utilities. Although this looks like "full-scale" privatization, it is in practice a hybrid arrangement for two reasons. First, the private companies still have public interest obligations; and secondly, they often retain much of the monopoly power that the public sector entity had and therefore continue to require government regulation. Thus, any expected benefits and costs from operating in an ostensibly private market are correspondingly reduced.

38. Government disinvestments in publicly traded companies are yet another type of privatization. In some countries, the Government owns shares of a publicly traded company, such as in the banking sector, usually of a significant enough amount or percentage to give it a controlling interest or at least significant influence.

Government disinvestments of these shares amount to a relinquishment of this control or influence.

39. Sale of public sector enterprises previously wholly owned by the Government can be referred to as full-scale privatization. This could take the form of the sale of a previously wholly State-owned enterprise, as has happened in many economies in transition. It also could, at least theoretically, take the form of a government withdrawal from the provision of a service, and thereby transferring the function to the private sector but without private companies having a monopoly and the corresponding public interest obligations and regulations.

40. A common rationale for privatization has been the pursuit of cost-cutting, as a means to maximize the efficiency of service delivery. Privatization is believed by many to turn the public provision of services into efficient and effective private service operations. The following are considered among the major advantages of privatization:

(a) Removal of the "soft budget constraint", a phenomenon where chronic loss-making State-owned operations are continually bailed out by government financial subsidies or other instruments, thereby contributing to the low efficiency of the public sector;

(b) Increases in allocative and operational efficiency resulting from improved incentive structures built into private ownership;

(c) Establishment of a precondition for economy-wide marketization and a means for enhancing economic competition, particularly in economies in transition and countries undergoing structural adjustment.

41. Most forms of privatization are associated with short-term disruption in established procedures for public service provision and their long-term benefits remain open to dispute, particularly as far as social services are concerned. As acknowledged in section II, paragraph 36, of General Assembly resolution S-24/2, the impact of privatization, especially on the poor and vulnerable, remains to be seen.

42. Currently, international research supports a cautious approach to privatization and points to wide differences in the ability of countries to ensure equity through the private provision of public goods and services.[6] Especially in countries with extensive poverty and weak State capacity, many people are not able to benefit from the private provision of public services. Evidence in Latin America, Africa and the transition economies, for instance, indicates that when the provision of essential services (including health, education, transport and water) was outsourced to the private sector or non-governmental sector, access to those services by the poor declined and the gap between the poor and the non-poor grew.

43. Whether or not delivery of a social service is privatized, in such essential service areas as health and primary education, it is still vital to strive for universal access to the service in a sustainable manner. Although the Government is ultimately responsible for ensuring that all people enjoy access to affordable essential services, the private sector provider of the service should also share in this social responsibility. The success of privatization, therefore, should ultimately be judged by its impact on all concerned, including the most vulnerable members of society.

Otherwise, the situation will arise where the services for the poor are often poor themselves.

44. The State clearly has an irreplaceable role in establishing and enforcing regulatory frameworks and service standards to ensure that both public and private service providers deliver in accordance with contractual agreements. However, there is little agreement on how the State should correct for inequitable market outcomes and incorporate equity goals through private arrangements. In developing countries, the incapacity of the State to address these concerns can lead to costly and destabilizing distributive conflicts and perpetuate chronic poverty.

45. The social effects of privatization, including that of social services, should therefore be measured using several criteria:

(a) The impact on the cost-effectiveness, quality and access to services rendered by privatized entities, ranging from transportation and utilities to education and health services;

(b) The short and long-term implications for employment, as privatization may be conducive to lay-offs in the short and medium run, but the long-term expansion and investment in privatized companies may offset the initial job losses;

(c) The welfare implications, encompassing changes in social costs and benefits and the resulting increase or decrease in social welfare, as well as any changes in negative and positive externalities prior to, during and after privatization;

(d) The distributional consequences, which may, at least in the short run, bring about rising income and wealth disparities and possibly a higher incidence of poverty.

D. Social dialogue and participation

46. In an effort to improve the effectiveness — and the image — of the public sector, Governments have begun placing a higher priority on becoming more "client-oriented" and more responsive to changing and emerging community needs. Responsiveness to public needs can be enhanced through such means as needs assessments, discussions with the public before policy decisions are taken, and the timely delivery of economic and social goods and services.

47. Surveys are one means for determining if public needs are being met by measuring customer or citizen satisfaction with the quality and delivery of public services. However, surveys must be reviewed objectively to ensure that they are not self-serving, constructed to rationalize decisions that were made in the past. It could also be viewed as patronizing and inappropriate to ask people their opinion and level of satisfaction if there are no other means for them to engage in open dialogue and provide feedback on the design of service delivery systems.

48. A related caution is that people from some classes or strata in society, particularly from educated classes, are able to articulate their needs — and dissatisfactions — better than others. Without taking this into account, measures of satisfaction and responsiveness may suffer from the "squeaky wheel" principle, where those who are best able to articulate their dissatisfactions receive a disproportionate and inordinate amount of attention and improvement in services relative to others who may be more in need.

49. An important means to redress these potential inequities and improve responsiveness is the effective use of social dialogue, in which various stakeholders are involved in the decision-making processes encompassing the delivery of services. This can play a major role in enhancing service quality and facilitating the efficient functioning of the public sector.[7] By enabling those who are affected by government policies, programmes and services to have a say in their formulation, implementation and evaluation, social dialogue can greatly improve the responsiveness of the public sector to the needs and expectations of the citizenry. Moreover, social dialogue mechanisms can promote good governance through greater transparency and accountability in national decision-making; enable greater information-sharing and better communication between the Government and the public; spur more democratic participation and governance; and provide opportunities for more creative thinking and synergy among stakeholders.

50. A key aspect of social dialogue is the inclusion and involvement of public service workers in decision-making processes and involving them directly in efforts to improve effectiveness. This process should not only raise morale but should also translate into workers who are more invested and involved in their job and more committed to implementing corrective reforms and making them work. Overall, people tend to be more receptive to change if they have a say in how the changes are formulated and carried out, rather than if they are merely imposed upon them from above. Thus, a collaborative environment between management, staff and employee representatives will go a long way towards ensuring that the reform efforts are designed and implemented objectively and equitably, with the potential for producing meaningful and lasting results. In this vein, continuous feedback between management and staff should be provided and supported through effective communication channels.

51. It may be useful for countries to consider widening the traditional partners to social dialogue (employers, workers and government) to include non-governmental organizations and other civil society and social groups. Other measures to improve social dialogue may include: effective use of media briefings; town hall and other community meetings; radio and television call-in programmes; publication and wider dissemination of research papers and policy briefs; and establishing public commissions.

E. Public servants

52. How effectively and efficiently the public sector operates is dependent to a large extent on the competency and commitment of the workers who comprise the public service. As the delivery of public services tends to be highly labour-intensive, a qualified, skilled and motivated public sector staff is the foundation upon which a solidly performing public sector is based. Quality services are more likely to be delivered by quality staff; therefore, it is critical to advance policies within the public sector that strive to attract and retain excellent staff, and keep them well trained and motivated to carry out their duties at a consistently high standard that will satisfy the public at large. Thus, improving human resources within the public sector should be geared towards reorienting the organizational culture to make it more service- and performance-oriented, so as to foster an environment of excellence and professionalism.

53. The call for making improvements in the recruitment and hiring process of the civil service is nearly universal. Making the process more open, transparent, flexible and timely can aid in recruiting the "best and the brightest" into the public service and cut down on cronyism and political favouritism. Efforts to pursue a better gender and ethnic balance among staff are also significant, as they promote greater diversity in the public sector workforce, thereby creating a civil service that more accurately reflects the composition of the citizenry.

54. Establishing fair and equitable systems of advancement and promotion form another important part of the human resources equation. To this end, some civil services have begun instituting a reward and punishment scheme, to ensure that high performers are adequately rewarded for their distinguished service, and the poor performers are either encouraged to improve or are separated from service. Under a merit-based career development system, employees are promoted based on factors such as performance, professionalism, independence, integrity, political impartiality, transparency and service to the public. All too often, however, these merit principles are not given sufficient weight in determining qualifications for advancement in many civil services.

55. In order to encourage and promote high levels of performance among public employees, proper motivation is key. A large part of motivation comes from working in a well-functioning public sector that provides quality services. Motivation of staff can also be encouraged by providing interesting, challenging and satisfying work assignments, by offering ongoing training, skills upgrading and lifelong learning opportunities, and by monetary means, through attractive pay and benefits. Public employees need to engage in meaningful and relevant work, have the opportunity to keep abreast of new and evolving techniques and technologies, and feel that their efforts are respected, appreciated, recognized and properly rewarded.

56. Establishing an effective public service also necessitates a concomitant strengthening of codes of conduct for public employees, including a dedication to rooting out corrupt practices, both within government and in its dealings with the private sector. Studies conducted by the World Bank have highlighted the economic and social costs of corruption, demonstrating that it can deter investment, hinder growth and development, deepen poverty and inequality and undermine the legitimacy of the State and its leadership. Successfully combating corruption entails a multi-pronged approach that addresses a range of issues, including improving political accountability, reforming public sector management, increasing competitiveness in the private sector and enhancing civil society participation in public decision-making.[8]

57. Whether it is to combat corruption, implement reforms or just improve public sector performance, public sector managers have a fundamental role to play through exhibiting strong leadership, adopting sound management decisions, strategies and techniques, and positively influencing the organizational culture. At the same time, it should also be noted that the scope for managers to implement successful programmes of change is more limited in the public sector. For example, public sector managers often have little discretion over hiring and firing, hindering their ability to build a staff committed to public sector improvement. In addition, decisions are made through the political system and based on political objectives.

The challenge is therefore to combine flexibility and accountability within these constraints.

58. While good management is important to the more efficient and better use of resources, effective leadership can be just as important in giving direction and meaning and making a difference in performance. Credible and committed political leaders and top managers in the public sector who demonstrate the highest standards of professionalism and integrity are indispensable for advancing any reform measures. Effective management is necessary, but so is effective leadership.

V. Recommendations

59. The Commission for Social Development may wish to consider the following recommendations:

(a) **The improvement of the effectiveness of the public sector is one of the conditions for social development that requires strengthened international cooperation. Such cooperation should include the elaboration of norms and guidelines and the exchange of experiences on the respective roles and responsibilities of the public and private sectors, on promoting public sector effectiveness, and on policies and methods of efficient delivery of public services;**

(b) **A number of countries, particularly the least developed countries, do not currently have a sufficient level of financial resources to establish public social services commensurate with the needs of their citizens. These countries require a much stronger economic base and related efficient and fair tax systems. They should benefit from a favourable international economic environment, and a strengthening of various forms of financial and technical assistance;**

(c) **With regard to international cooperation through the international financial institutions, these institutions should take full account of the role and specificity of the public sector, notably public social services, when making recommendations on macroeconomic policies and implementing various programmes related to development and poverty reduction;**

(d) **The basic principles of good government and good governance, notably transparency, accountability, integrity and efficiency requiring in particular monitoring and evaluation, should be fully applied to all aspects of public sector operations, including the budget and budgetary formulation process, expenditure allocation and service delivery;**

(e) **Diversified methods and criteria should be used in the assessment of the effectiveness of public social services, which requires, in particular, a determined effort to take fully into account questions of equitable access and quality of such services. Efficiency in the delivery of such services should be inseparable from the attainment of their fundamental objectives;**

(f) **Clear objectives and priorities should be determined when making decisions about the allocation of public resources, both in terms of programme areas and intended beneficiaries, while always aiming to protect the interests of**

the poor and disenfranchised and giving due attention to a longer-term horizon;

(g) Taking into account the interdependence of social development expenditures, such as primary education, nutrition and basic health, additional resources should be mobilized to achieve a critical mass of funding for these programmes in an effort to raise effectiveness in all areas of social development in an integrated manner;

(h) Greater consideration should be given to a range of alternative approaches to the delivery of social services, including, where appropriate, such steps as decentralization, public-private partnerships and privatization, and the impact that these alternative delivery systems have on social development;

(i) The relationship between public and private services should be reviewed and rethought. Although services could be provided by private entities, the fundamental objectives of those services and the ultimate responsibility of the State remain unchanged;

(j) Avenues of communication and information should be opened up, sharing with the public through the promotion of social dialogue, with the active and widespread participation of all concerned, as a means of making government more responsive to citizens' needs;

(k) Merit-based and transparent systems should be advanced in hiring and promotion practices in the public sector, paying particular attention to gender representation and other forms of diversity, while also ensuring that remuneration, working conditions and opportunities for career development are sufficiently beneficial to attract and retain qualified staff.

Notes

[1] See *Official Records of the Economic and Social Council, 2003, Supplement No. 44* (E/2003/44-E/C.16/2003/6), Recommendation 2.

[2] International Monetary Fund "Government Finance Statistics Yearbook 2002" and the World Bank "World Development Indicators 2003".

[3] See, for example, E/CN.5/2002/3, annex II.

[4] See, for example, the United Nations Millennium Declaration (General Assembly resolution 55/2), paras. 24 and 25, and General Assembly resolution S-24/2, annex, section III, para. 3.

[5] See, for example, General Assembly resolution S-24/2, annex, section I, para. 8; resolution 55/2, para. 20; and resolution 57/7, para. 23.

[6] See for instance, Carol Graham, *Private Markets for Public Goods: Raising the Stakes*, Brookings Institution Press, Washington, D.C., 1998.

[7] See, for example, General Assembly resolution S-24/2, annex, section III, para. 35.

[8] See www1.worldbank.org/publicsector/anticorrupt/index.cfm.

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Follow-up to the World Summit for Social Development and the twenty-fourth special session of the General Assembly: review of the relevant United Nations plans and programmes of action pertaining to the situation of social groups: modalities for review and appraisal of the Madrid International Plan of Action on Ageing

Modalities for the review and appraisal of the Madrid International Plan of Action on Ageing

Note by the Secretariat

Summary

The Madrid International Plan of Action on Ageing, adopted by the Second World Assembly on Ageing in 2002, noted that its systematic review of its implementation by Member States is essential for its success in improving the quality of life of older persons, and requested that the modalities of review and appraisal should be decided as soon as possible. The General Assembly, in its resolution 57/167, invited the Commission for Social Development to consider those modalities at its forty-first session in 2003. Following the recommendations of the Commission for Social Development, the Economic and Social Council, in its resolution 2003/14, invited Governments as well as the United Nations system and civil society to participate in a "bottom-up" approach to the review and appraisal of the Plan, through, inter alia, sharing of ideas, data collection and best practices, and requested the Secretary-General to include in his report to the General Assembly at its fifty-eighth session information on the implementation of its resolution entitled "Modalities for the review and appraisal of the Madrid International Plan of Action on Ageing, 2002".

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At its fifty-eighth session, the General Assembly considered the report of the Secretary-General on the follow-up to the Second World Assembly on Ageing (A/58/160), including the information contained therein on progress in defining the modalities for the review and appraisal of the Plan. In its resolution 58/134, the General Assembly, inter alia, requested the Secretary-General to forward his report to the Commission for Social Development at its forty-second session and to make available any other relevant information related to this issue that may assist the Commission in its deliberations. Among the other relevant information the Commission may wish to consider is the note by the Secretariat (E/CN.5/2003/7) on modalities for the review and appraisal of the Madrid International Plan of Action on Ageing, which it had before it at its forty-first session.

The present note reviews recent progress in defining the modalities for the review and appraisal of the Madrid International Plan of Action on Ageing. It suggests, for the consideration of the Commission for Social Development, an approach for the review and appraisal at national, regional and international levels.

Modalities for the review and appraisal of the Madrid International Plan of Action on Ageing

1. The Secretary-General, in his report on follow-up to the Second World Assembly on Ageing to the fifty-eighth session of the General Assembly (A/58/160), noted that while the principal approach to the review and appraisal of the Madrid Plan of Action is now defined, additional efforts are required to clarify the content of modalities and periodicity of the review and appraisal process. The Department of Economic and Social Affairs of the Secretariat, which serves as facilitator in the review process, convened a meeting of experts to assist in the accomplishment of this task.

2. The expert group meeting on modalities for review and appraisal of the Madrid International Plan of Action on Ageing was held in Malta from 10 to 12 November 2003. The meeting was hosted by the Government of Malta and organized by the Department of Economic and Social Affairs in cooperation with the International Institute on Ageing. The meeting was attended by 13 experts from all regions of the world and 10 observers from Governments and entities of the United Nations system. With the overall objective of contributing to the elaboration of modalities for the review and appraisal of the Madrid Plan of Action, the experts were invited to answer three principal questions, namely: what is the content of the review and appraisal; how to conduct the bottom-up process; and who is to be involved in the bottom-up review and appraisal exercise. The Commission for Social Development may wish to consider these same three principal questions as it determines the appropriate modalities for its review and appraisal of the implementation of the Madrid Plan of Action.

A. Content of the review and appraisal: two dimensions

3. Monitoring the implementation of the broad range of recommendations of the Madrid Plan of Action will vary from country to country owing to the vast diversity of circumstances of older persons and the different ways in which population ageing affects different societies. The scope of each national review and appraisal exercise will be defined by the specific priorities and objectives to be decided by Governments, which have the primary responsibility for implementing the Plan, in consultation with other stakeholders, including civil society organizations and the private sector. Overall, the review and appraisal process should focus on ageing specific policies as well as on efforts aimed at mainstreaming an ageing dimension into national development strategies.

4. The Madrid Plan of Action established three priority directions for specific action on ageing: older persons and development; advancing health and well-being into old age; and ensuring enabling and supportive environments. It further outlined 18 areas of concern (priority issues), with 35 objectives and 239 recommendations for action. These recommendations provide a framework for designing policies and programmes that address the specific needs and expectations of older persons and respond to the challenges and opportunities of population ageing.

5. While outlining the recommendations for ageing specific action, the Madrid Plan of Action called for linking ageing to development and recommended the mainstreaming of ageing into all policy areas, with particular emphasis on national

development frameworks and poverty eradication strategies. In its attempt to go beyond social welfare concerns, the Madrid Plan addressed ageing within a framework of poverty reduction, participation, gender equality and human rights. Policy action on ageing should be aligned with other cross-cutting issues, including HIV/AIDS, rural development and land rights, children and youth, education, health and poverty reduction. An important component of review and appraisal will be the tracking of the extent to which mainstreaming occurs at the national level and how ageing is integrated in development policies. Taking into account the importance of the poverty reduction strategy paper process for the poverty eradication efforts of many developing countries, the extent to which ageing is integrated into national poverty policies and the poverty reduction strategy paper process may also be considered a signpost of successful implementation. In assessing their national poverty reduction strategies, Governments should be able to simultaneously review implementation of the poverty, employment and human rights objectives and recommendations of the Madrid Plan.

6. Mainstreaming efforts are multidimensional in nature; thus their assessment should include multiple instruments, such as legislative review, budget monitoring across sectors at both the local and national level, age-specific analysis of institutional capacity-building, training and advocacy. To facilitate the process of mainstreaming, ageing policies could be declared a national priority. In order to coordinate the national mainstreaming process, it is recommended that a single lead agency, governmental or non-governmental, be given responsibility. Governments may also wish to establish a procedure for detecting and correcting any discrepancies between policies on ageing and policies and programmes in other sectors, in particular macroeconomic and financial policies. Integrating economic and social policies is a necessary precondition for enhancing consistency and improving the effectiveness of mainstreaming efforts.

7. Programmes and activities targeting older persons could be evaluated by analysing reports and studies produced by municipalities, the private sector, academia and civil society organizations. Civil society groups and coalitions that are already engaged in development programmes and activities, such as poverty reduction efforts, should be encouraged to include and monitor ageing dimensions in their agendas and to advocate for inclusion of these issues in poverty reduction strategies. International development partners could conduct an "ageing impact analysis" of programmes and projects, similar to the analyses of gender or environmental impact that many of them already undertake.

B. Modalities of the bottom-up approach

8. The bottom-up approach is defined as an open-ended, participatory process that seeks to incorporate and link local and national activities to United Nations regional intergovernmental bodies and global processes of review and appraisal. A bottom-up participatory approach is expected to offer Governments several advantages, including: broadening the sources of information available to policy makers by complementing statistical and other data with qualitative information; the provision of policy-relevant information when statistics or other data do not exist and cannot be gathered on short notice; the establishment of priorities for policies and programmes that reflect peoples' interests; monitoring and evaluation of the implementation of policies and programmes and their reorientation, if needed; and

an opportunity for people, in particular those who are excluded or marginalized, to articulate their conditions and their needs.

9. The bottom-up participatory approach should be considered an essential element of the implementation of the Madrid Plan of Action. It includes several key components: awareness raising/advocacy; assessment of needs and setting of targets; gathering of information; "distillation" of local findings into policy-relevant formats; and adjustment of policies and programmes in accordance with the conclusions and recommendations of the review and appraisal. **The monitoring process should be seen as a series of parallel developments rather than sequenced steps, and must include a feedback mechanism so that policy can be adjusted as necessary.**

10. The review and appraisal process should start by raising awareness at national and local levels about the Second World Assembly on Ageing and the recommendations of the Madrid Plan of Action. In order for people to be able to participate in a review and appraisal activity, they must first be informed of the content of the Plan of Action. The ultimate goal of this initial stage is, therefore, to inform older persons, as "primary" stakeholders, of their rights, responsibilities and opportunities as defined in the Madrid Plan and to establish a notion of local ownership of its implementation and follow-up. Mobilization through provision of information, education and communication activities can help older persons to understand that they have a critical role in the bottom-up approach. **An advocacy campaign should lead to the assessment of local needs, setting targets and the formulation of appropriate programmes of action.**

11. Gathering relevant information is the core of the review and appraisal process. The essence of the participatory method is to listen to stakeholders and to give them a chance to state their views at different stages of the process. This allows a different type of information to emerge, information which may be more qualitative in nature, to complement quantitative monitoring. Given the heterogeneity of issues related to ageing and corresponding policy responses, entry points of information for evaluation of the Madrid Plan must be multitudinous rather than confined to a single method. Gathering of primary information will be undertaken at the local level (community, village, district, etc.). Information may be collected within regular focus groups, consisting of older persons, frontline service workers, service-user groups, family caregivers, older volunteers and all other valuable informants on how well policies have been realized. Periodic feedback to a national body is necessary so that the review and appraisal can occur at the national level. Watchdog groups, such as district coordinating committees, could be established to review the impact of different policies and programmes on older persons. A group monitoring process can be organized, taking advantage of existing community groups or organizations, and involving persons of all ages. Mini surveys based on representative samples could also bring interesting local findings to light.

12. Some examples of activities utilizing a bottom-up approach, including those with narrative component, can be found in China, where "Speak for Yourself " and "Let the People Speak" programmes have brought useful results, especially with regard to finding out how much relevant assistance individuals receive from government. The Government of India is initiating a model for a bottom-up approach to integrate and address the concerns of older persons from the lowest level of village administration through state governments up to the federal

government level. Local opinion-making groups will provide forums for discussing the concerns of older persons and actions that must be taken in order to ensure the assessment, review and implementation of policies on ageing, both vertically and horizontally. HelpAge International, an international non-governmental organization (NGO), is piloting an "Older citizens monitoring project" in five countries. Through the project, communities decide which aspects of policies affecting older persons they wish to monitor, develop indicators for monitoring and methods of data collection. They will present their findings as they relate to national policies, the implementation of the Madrid Plan and national poverty reduction strategies.

13. In addition to, and in connection with, the bottom-up participatory approach, countries may wish to monitor the implementation of the Madrid Plan of Action with the help of indicators. The Madrid Plan makes several references to data collection and the development of indicators to gain better information on the quality of life of older people. As noted in the Madrid Plan, elaborating and using comprehensive and practical tools for evaluation, such as key indicators, is necessary to facilitate a timely policy response. Indicators could be used simultaneously, or in parallel, with the participatory assessment, or even be utilized as a practical tool within the participatory approach for gathering, analysing and distilling information.

14. The expert group meeting convened in Malta in November 2003 elaborated a set of indicators to assist the bottom-up approach to review and appraisal of the Madrid Plan of Action. The suggested indicators are organized by objectives that pertain to priority issues within the three priority directions of the Plan. The proposed indicators, which were formulated on the basis of policy actions recommended in the Madrid Plan, are intended to assist Governments to assess progress in reaching the Plan's objectives. Efforts were also made to link the proposed indicators to those for monitoring the Millennium Development Goals. Two types of indicators are proposed: instrumental and outcome. The instrumental indicators aim at evaluating the availability of programmes and policies that have been adopted to address issues of population ageing and improve the well-being of older persons, while the outcome indicators attempt to identify positive or negative changes in the quality of life and socio-economic conditions of older persons.

15. Once relevant information is collected at the local level, it will have to be passed along through provincial to national authorities. It is important for Governments to clarify the process by which this will take place. Rules, legislation, traditions, networks, ethnic alliances, patronage, political allegiances and bureaucratic structures form a complex and fluctuating environment through which such information will be channelled. Using the bottom-up approach, Governments must be able to distil the findings of local consultations into policy-relevant formats that are meaningful at national and international levels. As the information obtained is passed from the local to the national and regional levels, efforts must be undertaken to identify relevant experience and draw lessons for policy. Part of the distillation process will be to prioritize critical issues from among the many valuable inputs that will be received from the local level and, later, from the national level.

16. It is important that the distillation of gathered information occur at all levels of the process. It should not necessarily be assigned to a particular body or confined to a particular stage of the review and appraisal process. Normally, verification of findings must be undertaken in situ, particularly since locally detected issues would

require local solutions. At the same time, the entire process needs to be carefully coordinated so as not to discount the heterogeneity of older population and the diversity of the information already gathered. To achieve this, partnerships involving all major stakeholders are required in order to collate all the information and feed it into the appropriate channels throughout the review and appraisal exercise. Information, once analysed and distilled, needs to be fed simultaneously back to the community as well as on to the national level.

17. The national level of the review and appraisal process is where the findings must be translated into recommendations for improving policy and programme design in order to promote better implementation of the Madrid Plan of Action in local and national contexts. The process of review and appraisal should be facilitated at the top level of government and supported by national legislation. The role of government is crucial for ensuring sustainability and continuity of the appraisal process, including through provision of financial assistance to the local level.

18. National coordinating bodies with well-established links to different governmental entities would be useful in facilitating and coordinating the process of implementation of the Madrid Plan of Action, including its review and appraisal. Such a body could include the lead agency charged with responsibility for mainstreaming ageing, as well as representatives of civil society, academia and the private sector, supported by observers from United Nations programmes and agencies as well as other international organizations. Older persons must be included at all levels and in all components of the review and appraisal, including the processes of gathering of information, its distillation and decision-making for policy development. Non-governmental organizations and academic institutions are important in both collecting and distilling information from the local to the national level. Within the format of the bottom-up participatory approach, the major task of the national coordinating body would be to support the establishment of priorities and promote ownership of the entire implementation process of the Madrid Plan at the grass-roots level. Such a national body, with advisory functions, could also be an autonomous institution, ensuring the independent and impartial monitoring of progress in implementation, as recommended in the Madrid Plan. For example, Austria has established a fully independent council of senior citizens with rights and responsibilities similar to those of a chamber of commerce, which has become a major contributor to discussions on national policy on ageing.

C. Consolidation of national findings of review and appraisal at the regional level

19. National monitoring efforts should be coordinated with and supported by regional and global review and appraisal exercises. Regional support for the process is critical, and the Commission for Social Development may wish to encourage the United Nations regional commissions to promote and facilitate the sharing and exchange of information and experiences about the review process. Three regional commissions have already organized conferences that enabled Governments to elaborate regional strategies to promote the implementation of the Madrid Plan of Action.[1] Regional reviews of implementation should be based on information provided from the grassroots through national reviews and should address areas of common concern and shared interest. The regional commissions and their

intergovernmental bodies can promote networking and provide a collective voice to member countries, national committees and other stakeholders. Ideally, the commissions should assist countries throughout the process of information-gathering and exchange, including distillation and analysis, towards formulation of findings and priorities for future policy action at the regional level. The vast diversity of issues will determine regional specifics of the review and appraisal process.

20. At the regional level, several initiatives aimed at coordinating regional implementation efforts, including the review and appraisal process, are already under way in Latin America and the Caribbean, Europe, the Arab region and Africa. Within the Economic Commission for Latin America and the Caribbean (ECLAC) region, an inter-institutional group was created in March 2002, consisting of the United Nations Population Fund (UNFPA), the International Labour Organization (ILO), the Inter-American Development Bank (IDB), the Pan American Health Organization (PAHO), ECLAC and the Programme on Ageing of the Department of Economic and Social Affairs. The group has been involved in the preparation of the regional implementation strategy for the Madrid Plan of Action and could continue the collaboration, following the adoption of the strategy by the Regional Intergovernmental Conference on Ageing held from 19 to 21 November 2003 in Santiago, by providing assistance to countries in the region in their implementation efforts. In the Economic Commission for Europe (ECE) region, cooperation between the ECE secretariat and the European Centre for Social Welfare Policy and Research, with the support of the Government of Austria, is being explored to coordinate the regional review and appraisal exercise. The Arab League has established a Committee for Older Persons to facilitate the regional convergence of policies on ageing through the promotion of joint programmes and the sharing of experiences. In many countries in Africa, where infrastructure and resources are insufficient or non-existent, there are major barriers to the review of the implementation of the Madrid Plan. The African Union, along with the HelpAge International, has been playing an important role in closing the gap and coordinating regional efforts to address issues of ageing. In October 2003, a regional workshop was organized by the Department of Economic and Social Affairs, in collaboration with the Government of the United Republic of Tanzania and HelpAge International, to explore the nature of the ageing-poverty relationship in East and Central Africa and to identify measures needed to incorporate an ageing-poverty focus in poverty policies and strategies and into the Millennium Development Goals action programmes.

D. Consolidation of national and regional findings of review and appraisal at the international level

21. International cooperation will be required to assist some developing countries and countries with economies in transition in their implementation efforts, including the review and appraisal exercise. Such cooperation might include financial and technical support for establishing information and data collection institutions; dissemination of best practices; and training of government officials, civil society activists, researchers and professionals involved in monitoring and assessment. United Nations funds and programmes and the specialized agencies should contribute their expertise through their regional and field offices to support the

review and appraisal process from the local to the regional levels. The Department of Economic and Social Affairs is developing training materials to assist Member States in their capacity-building efforts for implementation of the Madrid Plan of Action, including its monitoring, review and appraisal phases. In addition, the Department of Economic and Social Affairs and the International Association of Gerontology, together with practitioners in the field of ageing, have developed a research agenda on ageing to support the implementation of the Madrid Plan. In 2003, through a series of regional expert workshops in Chile, Japan, South Africa and Spain, research priorities for regional implementation were identified.

22. At the international level, periodic review and appraisal should take place within the Commission for Social Development. The Commission has been requested to establish modalities as soon as possible and to reach an understanding of the format of the substantive outcome of its review and appraisal. These modalities should be established at national, regional and international levels.

23. **The Commission for Social Development may wish to request Governments to:**

(a) **Include both ageing-specific policies and ageing-mainstreaming efforts in their national review and appraisal exercise;**

(b) **Identify a lead agency to coordinate the national mainstreaming process;**

(c) **Establish or strengthen a national coordinating body or mechanism, which would include the lead agency, to facilitate the implementation of the Madrid International Plan of Action on Ageing, including its review and appraisal;**

(d) **Adopt, within their specific national circumstances, the bottom-up participatory approach to review and appraisal, the key components of which are: awareness-raising; assessment of needs and setting of targets; gathering of information; the distillation of local findings into policy-relevant formats; and adjustment of policies and programmes.**

24. **The Commission for Social Development may wish to request the United Nations regional commissions to facilitate, including through their intergovernmental bodies, the review and appraisal at the regional level by:**

(a) **Promoting networking and the sharing of information and experiences;**

(b) **Assisting Governments in the gathering, distillation and analysis of information, as well as in the presentation of the findings of national reviews and appraisals;**

(c) **Developing a regional analysis and defining priorities for future policy action.**

25. **With regard to the format of its review and appraisal, the Commission may decide to hold a series of informal discussions and consultations, such as round tables, symposiums and workshops, bringing together all major stakeholders. Time would also be allotted for the presentation of national and regional findings of the bottom-up participatory process. The substantive outcome of the review and appraisal undertaken by the Commission would be**

the identification of achievements and obstacles and the establishment of priorities for future international cooperation in the implementation of the Madrid Plan.

26. **With regard to periodicity, the Commission may decide to undertake its review and appraisal every five years. It may wish to select a specific theme emanating from the Madrid Plan for each review and appraisal cycle. It would then invite Governments and regional commissions to adopt that theme as they initiate the bottom-up participatory process.**

27. **The Commission may decide to request the United Nations system to support national efforts for review and appraisal by providing technical assistance for capacity-building.**

Notes

[1] The Economic Commission for Europe organized the Regional Ministerial Conference on Ageing in Berlin in September 2002; the Economic and Social Commission for Asia and the Pacific organized the Asia-Pacific Seminar on Regional Follow-up to the Second World Assembly on Ageing in Shanghai, China, in September 2002; and the Economic Commission for Latin America and the Caribbean organized the Regional Intergovernmental Conference on Ageing in Santiago in November 2003.